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MARCH 29, 2010

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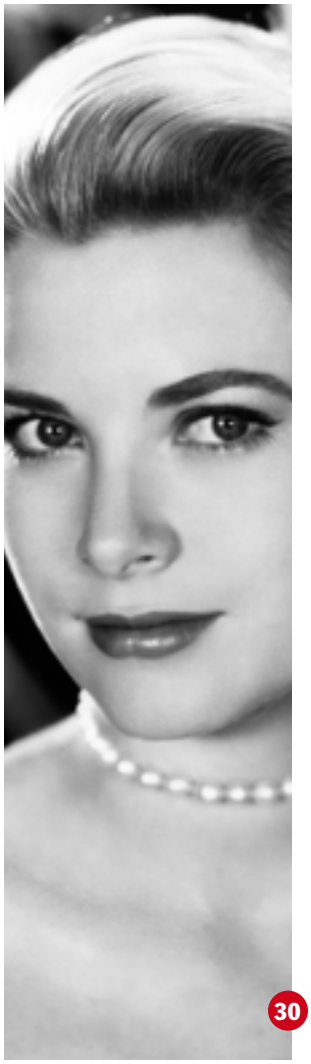

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Pardon the Interruption

Can you imagine John Edwards lecturing someone on marital fidelity? Neither can THE SCRAPBOOK. So we were surprised to learn that MSNBC's Chris Matthews, who is best known for his inability to let his guests finish a sentence, criticized Fox News anchor Bret Baier for interrupting President Obama during Baier's White House interview on Wednesday.

Matthews introduced a heavily edited clip and complained that Obama was not given adequate time to talk. "It was hard going—hard for him to get in a sentence, at least a full one." Matthews said that Obama should demand to know "who brought that character into the Oval Office."

That would be an odd question since the interview took place in the Blue Room, not to mention the fact that it took place at the White House's initiative (as Fred Barnes reports on page 10 of this issue). Ah, details.

Is it true, as Matthews and his guests suggested, that Obama did not have time to make his case? A review of the tape—down to the second—shows that Baier's total talk time was 5 minutes, Obama's was 18 minutes—much of it spent filibustering to avoid answering Baier's questions. By comparison, in the *Hardball* segment in which Matthews criticized Baier, Matthews spoke for 2:51 and his two guests for a total of 2:55.

For a dissenting view of the interview, we suggest the *Wall Street Journal*'s Peggy Noonan, who called it "the most revealing and important broadcast interview of Barack Obama ever." She writes:

> It revealed his primary weakness in speaking of health care, which is a tendency to dodge, obfuscate and mislead. He grows testy when challenged. It revealed what the president doesn't want revealed, which is that he doesn't want to reveal much about his plan. This furtiveness is not helpful in a time of high public anxiety. At any rate, the interview was what such interviews rarely are, a public service. That it occurred at a high-stakes time, with so much on the line, only made it more electric. . . .
>
> Mr. Baier's first question was whether the president supports the so-called Slaughter rule, alternatively known as "deem and pass," which would avoid a straight up-or-down House vote on the Senate bill. (Tunku Varadarajan in the *Daily Beast* cleverly notes that it sounds like "demon pass," which it does. Maybe that's the juncture we're at.) Mr. Obama, in his response, made the usual case for ObamaCare. Mr. Baier pressed him. The president said, "The vote that's taken in the House will be a vote for health-care reform." We shouldn't, he added, concern ourselves with "the procedural issues." . . .
>
> I wonder at what point the administration will realize it wasn't worth it—worth the discord, worth the diminution in popularity and prestige, worth the deepening of the great divide. What has been lost is so vivid, what has been gained so amorphous, blurry and likely illusory. Memo to future presidents: Never stake your entire survival on the painful passing of a bad bill. Never take the country down the road to Demon Pass.

Also a fan of Baier's work was *Baltimore Sun* television critic David Zurawik, who wrote, "As much credit as I give Obama for taking his health-care message to Fox News and staying on point, I also praise Baier for being thoroughly prepared and hitting a very difficult tone of being appropriately aggressive without being hectoring or rude. It was a textbook encounter of how the press should engage the executive branch of government. Think of it as the antidote to NBC anchorman Brian Williams's bow

What They Were Thinking

President Obama, Vice President Biden, and Irish Prime Minister Brian Cowen, March 17

REUTERS / JASON REED

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to Obama in his prime-time White House special last year."

Zurawik put his own cards on the table:

> Baier was impressive . . . in pushing the president on the special deals that were cut for such states as Louisiana, Florida and Nebraska—and the near-total lack of transparency about them. . . . Speaking of transparency, I should acknowledge that I personally hope healthcare reform passes. . . . Still as a journalist and media critic, I salute Baier for putting the president to the test and respectfully challenging him on his contradictions and reversals—and the subsequent flaws in the legislation he hopes to see on his desk in a matter of days.

Give this man a show on MSNBC. ♦

Sentences We Didn't Finish

'If healthcare reform does pass, it's hard not to see how this represents anything but a colossal failure of leadership on the part of the GOP. Now, granted, they are the minority party, and party unity has been maintained to perfection—not a single Rep. in either the House or Senate will vote 'yea.' But . . . " (Joe Weisenthal, *Business Insider*, March 18). ♦

Dining Out on the 'Red Scare'

Readers of the *Washington Post* opened their newspapers the other morning to find the obituary for an 89-year-old Chaucer specialist at the University of California at Berkeley, Professor Charles Muscatine. "Chaucer scholar," said the headline, "stood up to Red Scare bullying."

Oh dear, thought the reader to himself: Another sad story of a selfless patriot trapped in the vise-like grip of McCarthyism, driven from his home and livelihood, reduced to penury and blue-collar labor—perhaps even, at 89, a premature grave—in a decades-long struggle to restore his good name and remind America of its ideals. Poor Professor Muscatine, thought the reader, had probably been a classroom socialist during the Great Depression, or a conscientious objector during World War II—and in the Cold War horrors of the 1950s, must have paid some dreadful price for standing up to "Red Scare bullying."

Well, accustomed as The Scrapbook has become to the usual heroic treatment in the media of the Hollywood Ten, or the Abraham Lincoln Brigade, or any friendly visitor to wartime Hanoi, we were a little startled to learn the actual dimensions of the late professor's suffering during the Red Scare. It seems that Muscatine, a Yale graduate with a Yale doctorate who had served in the Navy during the war, was required, as a condition of employment at Berkeley in those days, to sign an oath forswearing allegiance to any organization that called for the overthrow of the U.S. government. No one ever suspected or accused Professor Muscatine of such activities, but as a matter of conscience, he—along with 30 other members of the Berkeley faculty—refused to sign the loyalty oath and was dismissed from his post.

The Scrapbook understands the argument that loyalty oaths, a feature of the early Cold War period, were at once ineffective—would a secret traitor have hesitated to swear?—and slightly insulting, a little like contemporary airport security. But they may also be seen as an affirmation of a basic fact about somebody trusted with instruction in a public institution and fundamentally harmless even to the most sensitive conscience. As it happens, Charles Muscatine refused to give

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Berkeley the assurance it required, and in accordance with the rules, Berkeley fired him.

But here the "Red Scare" narrative grows a little less convincing. Even if we accept the notion, implicit in the *Post* headline, that concern about Soviet subversion in the Stalin era was a big old "Red Scare"—more comic than serious—and that Berkeley had "bullied" Charles Muscatine by requiring an oath of loyalty to his country, did he suffer in consequence? As it turns out, Professor Muscatine was immediately hired by Wesleyan University to teach Chaucer and, two years later, when a federal appeals court struck down the loyalty oath, was rehired by Berkeley, where he remained until ascending to emeritus status in 1991. In the intervening years he published freely, was a pivotal figure in the Berkeley "Free Speech" movement of the 1960s and radical education reform, and was awarded numerous Fulbright and Guggenheim fellowships for research abroad.

Red Scare bullying

The experience launch
Muscatine into a second
as an advocate for higher-

So far as THE SCRAPBOOK can tell, in the half-century after the "bullying" of the professor during the "Red Scare," the United States government never interfered with his role as a political activist and university gadfly, blessed his innumerable travels abroad (with taxpayers' money) to engage in scholarly inquiry—and Charles Muscatine seems never to have ceased dining out on his status as a victim of the McCarthy era who "stood up to Red Scare bullying."

The kind of martyrdom, in other words, that a Chaucer scholar in most parts of the world would welcome with gratitude. ♦

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I Knew I Forgot Something

A few years ago, reading along in Katherine Graham's soppy autobiography, I came across a sentence that mentioned that the author's father, Eugene Meyer, had accumulated a fortune of 30—or was it 40?—million dollars while still a young man. I smacked my palm against my forehead. "Damn," I exclaimed, "I knew I forgot something." What I forgot, of course, was to acquire a vast quantity of money while still young, so that I could spend the remainder of my days never again having to think, let alone worry, about money.

I like money, like what it can do: among other things, allow one to acquire quality goods, help out family and friends and worthy causes, above all bring one freedom to maneuver smoothly through life. I have never discounted the importance of money, yet neither have I ever been able to concentrate upon getting more of it for longer than 50 seconds.

"I call people rich," a character in Henry James's *The Portrait of a Lady* says, "when they're able to meet the demands of their imagination." What are the demands of mine? Rather modest, perhaps even pathetic, I fear. I have never yearned to live in a large house, nor wanted servants. (I am told that it is a mistake to accept a job that brings with it the services of a chauffeur; when you leave the job, you will miss him so much that life will never again seem quite so good.) Nor have I wanted apartments or villas in foreign capitals or beautiful countrysides. I would only worry, mundanely, about the plumbing going on the fritz when I was away. I like good cars but I wouldn't be comfortable driving grand ones—Rolls-Royces, Maseratis, Porsches—for I would be nervous lest they bring me invidious attention, causing even mildly envious people to hope that I crash.

All I can think of is that I would want money so that I didn't have to be concerned about money, ever. I would want it so that I didn't have to check the prices on menus in restaurants, or hunt up and be pleased by bargains, or be derailed from satisfying small desires—for books or clothes or tickets to concerts and sports events—

ROBERT ULLMAN

because of the cost. I was taken to dinner a few years ago by a very wealthy couple, and, as the husband was pouring the no doubt costly wine into my glass, he noted he'd read somewhere that I objected to expensive wine. "Not at all," I answered, "I only object to paying for it."

The problem, as I hope that little anecdote makes clear, is that my damnably sensible middle-class habits were too long ago formed and reinforced by being acted upon over decades for me to partake of conspicuous consumption with the clear conscience required of the happy hedonist. "A cynic," Oscar Wilde reports, "is someone who knows the price of everything and the value of nothing." I think myself a man who knows the price and value of everything, which can be inhibiting.

I don't anticipate the prospect of a vast sum of money heading my way between now and the grave. I am in for no large inheritances. I do not play the lottery, which, as a clever fellow once said, is the tax the state levies on people who don't understand basic arithmetic. I cannot concentrate on the stock market, have never put myself to learning its rudiments—forget about penetrating its inner workings—and wouldn't see a good thing if it bit me in a tender place, and so am unlikely to score there. Nice to fantasize that one of my books will break the bank by becoming an enormous bestseller, but in my authorly vanity I prefer to believe that, as Frederic Raphael puts it, "Literature is what doesn't sell," which puts paid to that notion.

"I've been rich and I've been poor," said Gertrude Stein, "and rich is better." No doubt true. Yet having an immensity of money doesn't seem to bring all that much in the way of happiness either, or so it would seem from the glum visages of the billionaires who appear on television. The effect of great wealth is usually desire for even greater wealth, or worry about one's money not bringing in even more.

The money question, then, turns out to be like so many others: Married or single, children or no children, extremely wealthy or merely getting by—the answer to all appears to be that neither is a solution. "Money is funny," Miss Stein also said, and concluded that, funny though it may be, in the end everyone recognizes its significance. I, certainly, do. I also recognize the significance of gravity. But one of the nice things about gravity is that, unlike money, I don't have to think about it all the time.

Joseph Epstein

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The Eighteenth Brumaire of Barack Obama

After his 1851 coup d'état, Louis-Napoleon Bonaparte, nephew of the real Napoleon, pronounced himself Napoleon III. It was the rise to power of this great-man-wannabe that prompted the famous opening of Karl Marx's *Eighteenth Brumaire of Louis-Bonaparte*: "Hegel remarks somewhere that all great world-historic facts and personages appear, so to speak, twice. He forgot to add: the first time as tragedy, the second time as farce."

The decade of the 1960s—the first appearance in full flower of modern American liberalism—was in many respects a tragedy. It was certainly a tragedy for American liberalism, which liberated itself from its previous (at least partial) mooring in common sense and the American tradition. It was to some degree also a tragedy for America. It took conservative politicians and policies decades to undo the damage of Great Society hubris, post-Vietnam weakness, and '60s cultural foolishness. Much wreckage still remains.

Now we have the second appearance of '60s liberalism in the policies and personages of the Obama administration. Marx noted that in the France of his time, "only the ghost of the old revolution circulated," producing an "adventurer" who claimed to be heir to the great Napoleon, but who was "only a caricature of the old Napoleon." Similarly, in the America of our time, we have a ghostly version of the liberalism of the 1960s, led by a man who is only a caricature of the vigorous if often mistaken liberals who once sought to reshape the nation.

The Vendôme Column

YAIR HAKLAI

The farcical nature of today's liberalism was on display in last week's three-ring Washington circus. In the central ring, we saw the dramatic unveiling of Speaker Nancy Pelosi and Majority Leader Harry Reid's health care legislation, replete with special deals, squirrelly accounting, not-so-well-hidden payoffs, and attempts to evade the normal practices of democratic governance. In a side ring, we were able to view the embarrassing testimony of Attorney General Eric Holder before a House subcommittee, where he made clear how little serious thought he has given to what is required to keep America safe from our enemies. In the other side ring, we were able to see the near-hysterical condemnation by American officials, from Vice President Joe Biden and Secretary of State Hillary Clinton on down, of a simple announcement of a permit for house-building in Jewish Jerusalem by the Israeli government.

What a scene! What a farce! Republican candidates running for office in 2010 should save the news clips from last week to remind themselves of their campaign platform: They need only promise to stand up against the fatal conceit of big-government liberalism, the fatal complacency of civil-libertarian legalism, and the fatal perversity of coddling our enemies and beating up our friends.

And presiding over this three-ring circus of liberal incompetence was President Barack Obama, who stands in relation to the towering and tragic figure of Lyndon Johnson as Napoleon III did to the real Napoleon. Have we had in modern times a president who was so out of his depth?

Which points to a problem. America in 2010 isn't France in 1852. The world could survive farcical misgovernment in Paris in the mid-19th century—though in fact Napoleon III's weakness and foolishness invited the Franco-Prussian war of 1870, which in turn could be said to have set in course the events that led to World War I. But in the America of 2010, won't farcical misgovernment do real damage to the country and to the world? Could the circus acts end in tragedy?

They could. But, fortunately, here in America, we have an opposition party and an engaged public. Together, for the next few months, they can help push the administration towards more responsible—or at least less damaging—public policies. The Republican party will then gain seats in November, and will be able to do more to prevent further damage—and lay the groundwork not just for a return to the pre-Obama status quo

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in 2013 but for a vigorous conservative reform agenda.

If the nation can survive the next three years without too much damage, we have a great opportunity. As Marx wrote at the conclusion of his polemic, "when the imperial mantle finally falls on the shoulders of Louis Bonaparte, the bronze statue of Napoleon will come crashing down from the top of the Vendôme Column." The failed experiment of Obamaism could similarly allow us to topple the statue of contemporary liberalism from our public square, and rebuild American politics and public policy on firmer foundations.

Or, we could fail to rise to the occasion. A statue of Napoleon still stands atop the Vendôme Column.

—*William Kristol*

The Process *Is* the Substance

One day historians of the health care debate will puzzle over a curious distinction. Why was so much ink spilled over the difference between "process" and "substance"? The terms seem suited to a discourse on phenomenology, not politics. Nevertheless, future historians will note that early 21st century liberals decried the process of legislating because they felt it blinded their subjects to the beneficial substance of social reform. Look beyond the turbulence, tumult, and messy compromises of democracy, their argument went, and the goodness of the liberal cause is self-evident.

But of course it is not self-evident. And to separate process from substance is to create, as somebody likes to say, a false choice. When you bake a cake, everything depends on the selection of ingredients and the manner of preparation. So, too, with the law. Health care reform's inputs—the partisanship, the special deals, the procedural tricks, the budgetary gimmicks—will directly affect its outputs, i.e., its consequences. They are part and parcel of a $1 trillion-plus health bill that will raise taxes, cut Medicare, become ridiculously expensive sooner rather than later, and poison politics for a long time to come. Liberals miss the point. The process is the substance.

And the process has been immensely revealing. Consider what has happened since Congress took up health care reform in earnest last summer. The Democrats quickly shut out the GOP. The legislation rapidly became unpopular. The people voiced their opposition in rambunctious town hall meetings and at a massive march on Washington in early September. They were mocked and vilified for their efforts. The congressional majority pressed on despite public resistance. The House passed its original bill by five votes last November. Only one Republican supported it.

Brute force rules the House. But not the Senate. The rules there demand general agreement, reflected in the support of 60 senators, before a measure is passed. And because there is no general agreement on the Democratic proposal, it has been unable to pass the upper chamber by regular order.

What to do? First, sweeten the deal. Last December, the Senate leadership traded favors with Democrats from (most famously) Louisiana, Florida, and Nebraska. The logrolling gave us a handful of catchy names to describe the various corrupt bargains: The Louisiana Purchase. The Gator Aid. The Cornhusker Kickback. Defend them? The Democrats don't even try.

And yet the deals were enough to win 60 votes. The Senate passed its initial version of health care reform on Christmas Eve. And then the unbelievable happened. Massachusetts replaced the late Edward Kennedy with an obscure GOP state senator who drives a pickup truck and campaigned explicitly on a pledge to stop the health care bill. The import of Scott Brown's election was obvious. A Republican hadn't been elected to the Senate from Massachusetts since 1972. Brown had nationalized the election by campaigning against the Democratic agenda. The president flew to Massachusetts at the last minute to try to rescue the campaign. The voters rebuked him.

Once the shock wore off, the Democrats decided that if they could not pass their reform following normal procedure, they would simply change the procedure. Hence the decision to pursue "reconciliation," a parliamentary measure under which budgets can pass the Senate by a simple majority. Except even that wasn't enough. For reconciliation to happen, the House would have to pass the original Senate bill—a bill which even the speaker of the House admitted no one wanted to vote for.

Solution: Change the procedure *again*, this time "deeming" the Senate bill passed without actually voting for it. Dismiss the public outcry over all these changes as flippant objections to mere "process." And in order to ensure a positive score from the Congressional Budget Office, game the system so that the taxes come first, the spending comes later, Medicare "savings" are double-counted, and a student-loan reform applies to health care's price tag.

One cannot judge the full consequences of health care reform. What can be judged is the manner by which Democrats have governed over the last year. They have been partisan and ideological, derisive and dismissive. They try to legislate massive changes to American society and the American economy by the tiniest of margins and the most arcane of methods. The process has taken on a substance all its own.

And it's repellent.

—*Matthew Continetti*

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Delusions of Grandeur

Obama sees himself as a transformative president. BY STEPHEN F. HAYES

DAVE MALAN

On January 20, the day after Scott Brown's upset victory in the Massachusetts Senate race, Barack Obama suggested that he might just have to settle for a more modest health care reform package than the one Democrats had been pushing for a year.

George Stephanopoulos, interviewing Obama for ABC News, summed up the public views of health care. Voters, he said, are "saying now they want your health care plan to go away. It's just not popular. The majority are opposed." So, Stephanopoulos asked, what is your plan now?

"I would advise that we try to move quickly to coalesce around those elements of the package that people agree on," Obama said.

Stephanopoulos asked if this meant that health care reform would be scaled back.

Obama said he wouldn't get involved in legislative strategy, but reaffirmed that the way forward was to focus on "core elements" of reform. So, yes, it would be scaled back.

Scott Brown had campaigned as the 41st vote against Obama's health care reform—the man who would keep Democrats from overcoming a GOP filibuster. In a very practical way his election imperiled health care. More than that, though, was the sense that Brown's election—in navy blue Massachusetts, to a seat long occupied by the father of health care reform, Ted Kennedy—changed the political dynamics in Washington. Many commentators pronounced the death of Obamacare.

The push for health care has been costly for Obama. The more he explained his plans for comprehensive reform, the less the American people liked them. A year after he came into office with record favorability ratings, Obama found his own popularity on a steady downward trajectory. An NBC/*Wall Street Journal* poll taken in January 2009, found that only 14 percent of Americans had either a "somewhat negative" or a "very negative" view of him. A year later, those negative numbers had jumped to 35 percent, and Obama's overall approval ratings in several polls were upside down. More voters disapproved of his performance than approved.

So when Obama hinted to Stephanopoulos that he might scale back his health care plans, his words were seen as a nod to the new political reality.

Adam Nagourney of the *New York Times* explained it on the *Charlie Rose Show*.

> I think that a lot of people are upset that President Obama spent so much attention on health care, at least in their perceptions, as opposed to jobs, the economy, and mortgages. And I think there is a real sense, and again this is partly because the president came in and had all this stuff on his plate—the bank bailout, Wall Street bailout, the automobile bailout—and then went ahead with health care, that there has been a sort of dramatic expansion of government. And historically we know that that is something that does not sit well with inde-

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pendent voters. So it is a confluence of really bad things that happened that really puts the Democrats in a bad way right now.

Even fellow Democrats and enthusiastic health care reform proponents were discouraged. "If you lose Massachusetts and that's not a wakeup call, there's no hope of waking up," said Indiana senator Evan Bayh. "Look," said Connecticut senator Christopher Dodd, "it didn't work, this process."

And yet on January 22, at a town hall in Elyria, Ohio, Obama reversed course. "I'm not going to walk away just because it's hard," he said. "This is our best chance to do it. We can't keep putting this off."

His determination raised two obvious questions. How would he do it? And, given the high degree of difficulty and the near-certain political damage of winning or losing, why would he try?

The last two weeks have answered the first question: Obama will pass a health care bill by any means necessary.

And why?

Because Obama sees himself as Ronald Reagan, not Bill Clinton. Reagan was a transformative president who accomplished big things. Clinton, whose signature domestic policy initiative—health care—failed, was not.

On October 22, 2006, Obama was on *Meet the Press*. He had appeared on the show before and disclaimed any intention of running for president, pledging to serve out his term as senator. He used this second appearance to reopen the door to a bid and offered his thoughts on presidential greatness.

Great presidents, he said, do big things.

> When I think about great presidents, I think about those who transform how we think about ourselves as a country in fundamental ways, so that at the end of their tenure, we have looked and said to ours—that's who we are. And, and our, our—and for me at least, that means that we have a more expansive view of our democracy, that we've included more people into the bounty of this country.

Obama continued:

> There are circumstances in which, I would argue, Ronald Reagan was a very successful president, even though I did not agree with him on many issues, partly because at the end of his presidency, people, I think, said, "You know what? We can regain our greatness. Individual responsibility and personal responsibility are important." And they transformed the culture and not simply promoted one or two particular issues.

Obama dilated further in an interview with the *Reno Gazette-Journal* on January 14, 2008. "I think Ronald Reagan changed the trajectory of America in a way that, you know, Richard Nixon did not and in a way that Bill Clinton did not," he said. (Hillary Clinton and John Edwards predictably distorted the statement for use in the Democratic primaries.)

Obama's hope was to take liberalism into the mainstream the same way that Reagan had conservatism. In his mind, he had the political skills to do it.

"I think that we're shifting the political paradigm here," he told the *Gazette-Journal*.

> And if I'm the nominee, I think I can bring a lot of folks along on my coattails. You know, there's a reason why in 2006, I made the most appearances for members of Congress. I was the most requested surrogate to come in and campaign for people in districts that were swing districts, Republican districts where they wouldn't have any other Democrat.

Health care might make Obama a transformative president. But Democrats in Republican districts and swing districts are not likely to be calling Obama to campaign for them this fall. ♦

Obama Outfoxed

Good thing he has large congressional majorities, because his powers of persuasion are limited.

BY FRED BARNES

Chances are President Obama was asking himself one question as he was interviewed last week on Fox News: "Whose idea was this?" That is one of Obama's favorite questions, according to *Game Change*, the bestselling (and definitive) book on the 2008 presidential campaign. He usually aims the question at advisers in anticipation of their telling him the idea was his and had proved to be a good one.

For Obama, the decision to be interviewed by Fox's Bret Baier was definitely not a good one. Baier asked many of the questions that White House reporters would ask if Obama held a full-blown presidential press conference (which he hasn't since July 22). The president answered few of them, and those he did, he answered poorly. I counted 19 questions and only three responsive answers.

It was the White House that proposed the interview, though Fox and other news organizations routinely have requests on file for Q-and-A sessions with the president. Dan Pfeiffer, the communications director, called Fox on Monday to arrange an interview for two days later. The sit-down lasted 18 minutes, slightly longer than Obama wanted, and a few minutes were devoted to a less formal "walk and talk" in which Baier asked Obama about Tiger Woods's return to golf.

The interview was, presumably, part of Obama's end game to win House approval of his health care

Fred Barnes is executive editor of THE WEEKLY STANDARD.

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bill. It couldn't have helped much. The cool, smooth-talking, confident Obama wasn't in evidence. He mostly looked unhappy. In response to Baier's relentlessly tough but fair line of questioning, Obama stuck to tired White House talking points.

The worst moment came when Obama appeared to confirm that his plan double counts hundreds of billions in Medicare money. This is a point made both by the Congressional Budget Office and the chief actuary for the Centers for Medicare and Medicaid Services. Here's what Obama said:

> On the one hand what you're doing is you're eliminating insurance subsidies within Medicare that aren't making anybody healthier but are fattening the profits of insurance companies. Everybody agrees that that is not a wise way to spend money. Now, most of those savings go right back into helping seniors, for example, closing the donut hole.

There's only one way to understand this. First the funds are saved (mostly from Medicare Advantage). Then they're spent to close the "donut hole" in the Medicare prescription drug program that now denies coverage at a certain level of expenditure before reinstating it at a higher level. Is it proper to count as savings money that you turn around and spend? I don't think so.

Obama denied his plan spends "the money twice." Of course, it doesn't. That's not the problem. Obamacare saves and spends the same pile of money. *That* is the problem. He does this to achieve two goals at once: helping pay for his plan by cutting Medicare funds and improving the drug program by using the billions in cuts to close the gap in coverage.

The president, I suspect, was surprised by the subjects broached by Baier. They had to do with the controversial procedures for passing his bill in the House and Senate, sweetheart deals to line up votes, double counting, and the expensive "doctor fix" which was stripped out of the legislation.

On the fix, Obama said the need to bar scheduled, annual reductions in Medicare fees for doctors "has nothing to do with my health care bill." Indeed, he inherited the practice. But Baier noted he'd vowed to "change Washington" instead of "doing it the same way." Obama didn't respond.

Even at his eloquent best, the president has been unable to stir public support for health care reform. He was credited by Democrats with delivering an unusually passionate speech on health care at a rally in Strongsville, Ohio, two days before his Fox interview. And he did come up with a fresh claim for his bill: It's bipartisan. "Every proposal has been put on the table," he said. "Every argument has been made. . . . we've ended up with a proposal that incorporates the best ideas from Democrats and Republicans."

It's hard to believe he'd utter such a whopper. Every Republican in the House and Senate opposes his bill. Poll after poll shows only a tiny fraction of self-identified Republicans back it. And the "best" recommendations of Republicans—unfettered purchase of health insurance across state lines, law abuse reform, special pools to insure those with preexisting conditions—were excluded. The separate House, Senate, and White House bills were drafted by a cast of characters limited to Democrats only.

In Ohio, Obama invoked one of his favorite rhetorical tools, the straw man, to justify his claim. His bill rejected urgings from the left for "government-run care" and from the right to simply "unleash the insurance industry . . . by providing less oversight and fewer rules." Yes, he really said that.

What's puzzling is why the president hasn't altered his argument for Obamacare in any meaningful way over the past year. A majority of Americans has rejected his case. As he's been making it, his job approval rating has dipped into the 40s, the level at which a president becomes a liability to members of his party running for office. Republican Scott Brown won a Senate seat in Massachusetts running as Mr. Anti-Obamacare.

But maybe all the president's words in public don't matter. Maybe the speeches, the address to Congress, the town halls, and the television interviews (even the misbegotten Fox one) are beside the point. In the end, Obama has one important political asset: large Democratic majorities in Congress. Given this, the only thing that may matter is what he tells members of his party, what promises he makes, and what he says might happen to them politically if they cross him. All of that in private, naturally. ♦

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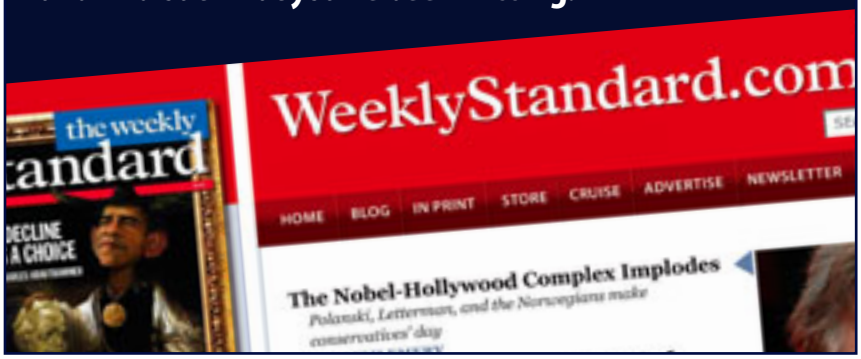

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Polls Apart

Why imperiled congressional Democrats can take no solace from Obama's approval ratings.

BY JONATHAN V. LAST

Every few days there appears a poll showing President Obama's job approval rating skulking to a new low. Last week, for instance, a Gallup tracking poll put him at 46 percent approve, with 48 percent disapprove. To congressional Democrats facing reelection this fall the numbers look bad. But if you peer closely, the news is worse.

When he took office, Obama's approval rating stood around 65 percent. His disapproval rating was in the low 20s, leaving him with a net positive of more than +40. Obama had sailed into office on the wave of an historic election, replacing a deeply unpopular president. No one expected this illuminated period to last. But no one expected it to end so quickly, either. As the summer of 2009 began, his approval dropped to the high 50s. By the end of the summer it was in the low 50s, where it stabilized before trending downward during the winter. New tracking polls from Rasmussen, Gallup, Pew, and other research outfits appear several times a week. Obama has polled over 50 percent only eight times in 2010.

What gets lost in the analysis of these numbers is that the job approval rate is held aloft by President Obama's remarkable popularity among blacks. His appeal to blacks is an interesting phenomenon.

When the president took office in January 2009, Gallup measured his overall job approval at 67 percent, with 86 percent of blacks approving. Since then, blacks have shown an increasingly favorable opinion of him. In June, for instance, as Gallup showed Obama's approval slipping with most groups, it shot up to 95 percent among blacks. In recent weeks, it has stabilized in the low 90s. (Gallup has never clocked this number below 86 percent.) By Gallup's measure, Obama has lost ground with every other cohort since taking office, including self-identified liberals, self-identified Democrats, and even self-identified liberal Democrats. Blacks are the only group in which he has gained ground.

Other pollsters have found the same trend. Rasmussen gives respondents four choices when it comes to presidential job approval: strongly approve, somewhat approve, somewhat disapprove, and strongly disapprove. In February 2009, 80 percent of blacks strongly approved of Obama's job performance and 8 percent somewhat approved. By August, his strong approval was down to 71 percent, but his somewhat approval was up to 23 percent—kicking his overall approval among blacks up 5 points, to 93 percent. In Rasmussen's tracking poll last week, Obama's approval among blacks had ticked upward again: 76 percent strongly approved and 20 percent somewhat approved, for a 96 percent total approval rate.

By the numbers, black voters are Obama's core base of support. They support him more solidly than any other demographic group—more than young voters, more than postgraduate degree holders. Of course, every politician has a core constituency. What's extraordinary about President Obama's is not just the uniformity of support within his core constituency, but the difference in both degree and trajectory between this base and the rest of the electorate.

Consider, for instance, George W. Bush's base: white evangelical Protestants. In January 2002, President Bush's overall job approval rating was a remarkable 83 percent. (This number was still inflated by post-9/11 solidarity.) His approval rating among white evangelical Protestants was higher still—95 percent. But over time, as the public soured on Bush, this base also soured, if to a lesser degree. By the time he left office Bush's overall job approval rating was 33 percent. His rating among white evangelical Protestants was much higher—16 points higher—but its trajectory had still followed the contours of the general population's shift.

So far, this is not the case with President Obama's support from blacks. Obama's black job approval numbers are more than double his overall numbers. What that means is that the level of support the president receives from this group moves the overall number more than you might imagine. When you do the math, accounting for percentages of population (roughly: 75 percent white, 12 percent black, and 13 percent Hispanic/other), you find that today the black vote moves the overall number significantly. Using Gallup's data, blacks push Obama's overall number up by about 5 points; using Rasmussen's by roughly 7 points.

Now *all* core supporters move the overall number of their candidate upwards; that's why they're called a base. In a presidential election, this trend has few ramifications. The presidency is a nationally elected office, and nationwide approval indices are a good measurement of the prospect of reelection. But this skewing of the president's job approval number creates complications for congressional candidates. While about 12 percent of Americans are black, relatively few congressional districts have an average demographic make up. Because of gerrymandering, mandated majority-minority districting, and simple geographic diversity, blacks tend to be concentrated in certain congressional districts. There are 31 districts with a black population over 40 percent. Only 132 districts are

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above the national average in terms of black population—leaving 303 districts below the national average.

This racial concentration creates a great many districts which are significantly less black than the nation as a whole. For instance, 62 districts are less than 2 percent black; 107 districts are less than 3 percent black; 177 districts are less than 5 percent black. The median congressional district has a black population of only 6.41 percent.

This uneven dispersal magnifies the disparity of approval between Obama's base and the rest of the country. If relatively few congressional districts look like America, then in most congressional districts Obama's job approval is likely to be lower—anywhere from 2 to 7 points lower—than the national average. (Conversely, in a smaller number of districts it is likely to be much, much higher.)

If you're looking for data that suggest a larger wave in November than you might otherwise expect, here it is. Obama's national job approval numbers are low, but not yet seen as catastrophic. Yet in a great many districts—and particularly swing districts—they may actually be closer to President Bush's 2006 number than otherwise appears. Bush still had 40 percent approval in November 2006.

It's not hard to see why this phenomenon might concern the folks running Democratic campaigns. Charlie Cook has 23 Democratic-held seats currently rated as toss-ups, and this sample looks a lot like Congress as a whole. Only six of the 23 have black populations above the national average and in five of these districts, as you might expect, the black population is over 20 percent. But of the 23 districts, the median black population is only 5.67 percent. Eleven of these seats have a black population under 5 percent. In seven of them the black population is under 2 percent.

Many caveats apply, obviously: Events are unpredictable, and job approval isn't votes. Even so, in districts with a below-average number of blacks, President Obama's job approval could already resemble 2006-vintage Bush. Not a comforting thought for Democrats with jobs on the line this fall. ♦

'We'll open up opportunity across our education system'—except when teachers' unions say no.

ASSOCIATED PRESS / CHARLES DHARAPAK

Race to the Bottom

Obama's deeds belie his words on school reform.

BY MARY KATHARINE HAM

On education, as in many other policy areas, Barack Obama has been hailed as a bold reformer willing to take on entrenched interests, though there is little evidence to support that image beyond the words in his own speeches. Just last week, *New York Times* columnist David Brooks called him the "most determined education reformer in the modern presidency." The supporting evidence offered came largely from a speech Obama gave in Virginia touting his "Race to the Top" program, which is meant to reward districts attempting reform with federal dollars.

The president did sound notes uncharacteristic of a Democrat, such as accountability for teachers and competition for students. He closed with an impassioned call for educational opportunity for all:

> We're going to raise the bar for all our students and take bigger steps towards closing the achievement gap that denies so many students, especially black and Latino students, a fair shot at their dreams. We'll open up opportunity—evenly and equitably—across our education system, . . . we'll reward success, and replicate it across the country.

Nearby in Washington, D.C., however, there were 1,700 students and families waiting for Obama to make good on his rhetoric. Help was not on the way.

"I almost choked up when he said they're gonna make it a priority that kids have equal access to education,"

Mary Katharine Ham is a staff writer at THE WEEKLY STANDARD.

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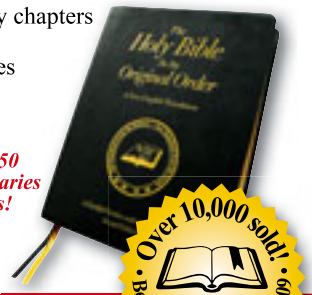

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said Virginia Walden Ford, a longtime school-choice activist in Washington. Walden Ford worked through the Clinton administration and into George W. Bush's second term to get a pilot voucher program approved for a group of mostly low-income black and Hispanic families to escape failing public schools with $7,500 scholarships to private schools.

On Tuesday, Walden Ford lost a yearlong battle to keep the program alive, as a vote to reauthorize it failed 42-55 on a mostly party-line vote in the U.S. Senate.

"Another battle lost, but the war's not over," Walden Ford said. "I think it's horrible that we've had to fight so hard for this little program. I really didn't expect it to be this difficult," though she conceded the uptick in Democratic senators in the 2008 elections, most of them backed by teachers' unions, had made the political landscape unfavorable.

Led by Independent Democrat Joe Lieberman, a bipartisan group of senators including California Democrat Dianne Feinstein has been trying to rescue the program since March 2009, when Illinois Democrat Dick Durbin inserted fatal language in an omnibus spending bill. Republican John Ensign of Nevada offered an amendment to save the program, but it was defeated.

The media coverage of Durbin's blindside and the loud objections of school-choice advocates led the Obama administration to offer a sop to D.C. Opportunity Scholarship families: There would be no scholarships for new students after this school year, decreed Secretary of Education Arne Duncan, but kids currently participating in the program could keep their scholarships until they graduated.

Even that promise is now in danger, however, since the private scholarship fund that administers the program pulled out amid uncertainty about its future. Walden Ford said she's had trouble getting a new organization to administer the program, which is exactly what voucher opponents hoped would happen when they threw its funding into doubt.

Studies have found great student and parent satisfaction with the program. In addition, as the *Washington Post* points out, "a rigorous, federally mandated study confirmed the program's effectiveness," showing statistically significant 3-5 month gains in reading among Opportunity Scholarship kids over their public-school counterparts. Dr. Patrick Wolf, investigator in charge of Department of Education evaluations of the program, noted at a May 2009 Senate committee hearing that the Opportunity Scholarship was one of a small minority of federal, experimental programs he'd studied that showed statistically significant improvements.

The Obama administration offered a sop to D.C. Opportunity Scholarship families: There would be no scholarships for new students, but kids currently participating in the program could keep their scholarships until they graduated. That promise is now in danger.

Despite a pledge to spend tax dollars not based on "whether an [education] idea is liberal or conservative," but on "whether it works," Obama remained silent as an innovative program was killed at the behest of teachers' unions.

"There's so many programs that have not worked that just continue year after year after year, like Head Start," Walden Ford said. "This is not about children. This is politics at its worst."

Head Start, a national early education program that costs $7 billion a year, was reauthorized in the very bill Durbin used to kill the Opportunity Scholarships. Ten months later, the administration released a long-overdue evaluation of Head Start that revealed "few sustained benefits" for Head Start students. Obama's budget calls for an increase in Head Start funding, despite the program's failure to meet his "whether it works" threshold.

But while Democrats subject the Opportunity Scholarships to a slow death, they're working with the administration to fast-track a bill that would nationalize federally guaranteed student loans made through private lenders, turning them into direct loans from the Department of Education. It's the "competitive nature" of "Race to the Top" that Obama insisted makes it effective, but when it comes to student loans, private competition is the "middle man" to be eliminated.

Secretary Duncan sent a letter to college officials in October telling them to prepare to make the switch to direct loans in the 2010-11 school year, even though the bill's passage was still in doubt. It passed the House, but was unlikely to earn a filibuster-proof majority in the Senate. The measure has now been added to the health care bill, guaranteeing that it will get very little attention in the run-up to a vote. California Polytechnic State University, which transitioned to the direct-loan program this year, has already reported delays in financing that sent students to class without books for four to six weeks. Your government in action.

The federal student-loan takeover is the archetype of a government program's inexorable creep, and should serve as a warning about the direction Obama wants to take education and health care alike, his rhetoric about competition and thwarting special interests notwithstanding. A "Stafford Loan" program created in 1965 to allow students to borrow money cheaply with a government guarantee begat a program where loans made by private lenders were transferred to the government's books, which begat artificially better budget numbers by eliminating actors subject to the risks and fluctuations of the mar-

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ket. That program begat a Clinton initiative—a direct loan program as an alternative to federally subsidized loans made through private banks—a "public option," if you will—which was supposed to beget more competition. Responding to incentives and crowded out by government programs, unsubsidized private operators now make up only about 14 percent of the student loan market. Still, Obama remains determined to eliminate messy profit-makers from the business in the interest of savings . . . which he has already spent on health care.

Senator Lamar Alexander complained in a statement that the

> federal government will borrow money at 2.8 percent and then lend it to students at 6.8 percent. . . . The government—instead of using that money to reduce costs for students who are borrowing the money—will use it to pay for more government programs. According to the preliminary CBO estimate produced this morning, the new bill will take $9.1 billion over 10 years from students' interest payments to pay for this health care takeover.

In yet another Cornhusker Kickback moment, an earmark in the reconciliation bill allowed just one North Dakota bank to continue federally guaranteed lending, but this caused enough controversy that its beneficiary, Senator Kent Conrad, asked to have it removed so as not to derail the train to health care reform.

"We negotiated this in good faith months ago," Conrad told *Roll Call*. "But it's not worth it. It's not right that it be used to misrepresent this package." The amount of that one earmark was $50 million, roughly three times the amount needed to fund the D.C. Opportunity Scholarship program for a year.

It's stories like this that make you wish there were, somewhere in the federal government, a prominent, reform-minded lover of educational innovation and programs that work who could "negotiate in good faith" on behalf of low-income children like those in Washington, D.C. ♦

REUTERS / ALEXANDER NATRUSKIN

A memorial to the victims of the February 25 crash

Life in Putinland

Driving while Russian.

BY REUBEN F. JOHNSON

Some aspects of life in Moscow have sadly not changed for the better since the fall of the Soviet Union. A telling example: Persons in positions of power or authority reserve the right to ignore (to everyone else's peril) all traffic laws. And the corruption and incompetence of the traffic police poses an even greater danger to motorists than those drivers for whom the laws do not apply.

Both issues came into sharp focus this month with the press coverage and posting on YouTube of incidents that graphically illustrate both deadly trends.

On February 25, a specially armored, black Mercedes S500 belonging to Lukoil vice president Anatoly Barkov plowed head-on into a C3 Citroën hatchback. The collision between the considerably heavier luxury sedan fitted with bulletproof plating and the small, lightweight economy car was like a contest between a raw egg still in the shell and a cannonball. The Citroën was smashed to bits and both passengers—35-year-old Olga Alexandrina, the driver, and her mother-in-law, 72-year-old Vera Sidelnikova, a well-known obstetrician—were killed.

Predictably, police authorities immediately placed blame for the accident on the two dead "ordinary" citizens, stating that the Citroën had strayed over the center line into oncoming traffic. Relatives of the two, however, reported that traffic police at the crash site refused to give them a copy of the accident report, which is required by law. And the license plates of Barkov's Mercedes were quickly removed so that they would not be "lost" while the automobile was being towed away.

Three witnesses have since come forward and contradicted the traffic

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police's "official" version of events. Two of them said that it was the Mercedes that illegally pulled over the center line—in order to speed around a traffic jam—while the third witness stated that the Citroën had legally remained in its lane. Their names have been withheld by Sergei Kanayev, the head of the Moscow branch of the Russian Federation of Car Owners, which is conducting an independent investigation into the crash. He said he would disclose the witnesses' names only to representatives of the Prosecutor General's Office. "The people have agreed to talk, but they need assurances that they will not be in danger," he said.

In the aftermath, an open letter was sent to President Dmitri Medvedev by a group of famous Russian artists, writers, and other cultural figures—requesting that he personally look into the details surrounding this accident. "In recent years, a double standard has reigned over our country's roads, and people driving cars with special license plates and special signals have become a constant and unpunished threat to ordinary drivers," the letter read.

Other than being an executive at Lukoil—the largest of the notorious energy firms that are the center of gravity in a Russian economy dominated by the export of natural resources—what makes Barkov one of these "special" people with a "special" license plate? Why would witnesses that can point the finger at him as the person responsible for these two traffic deaths be in danger? Why would the police try and cover up his culpability?

Barkov's biography offers a few clues. He was born in 1948, but for the first 44 years of his life he officially did nothing. In 1992 he appeared from nowhere and graduated from the Ufa Oil Institute. Then in 1993, with a newly minted diploma and no job experience, he became, according to the Lukoil website, "Vice President in charge of general questions and corporate security and communications." Under the category of "if it walks like a duck and talks like a duck," this job sounds like a not-too-difficult but well paying position for a former KGB comrade of Prime Minister Vladimir Putin.

Lukoil has a bevy of these senior executives whose backgrounds are blank pages until around 1992, the year after the collapse of the Soviet Union, the year that all of the KGB men had to stop spying on journalists and diplomats or beating up Jews who applied to emigrate to Israel and go find something resembling a real job. Among others, the company's vice president for business and finance and the head of Lukoil's legal department also fall into this category. No wonder the witnesses in Barkov's crash do not want their names revealed publicly.

But the police in Moscow do worse than just provide cover for former KGB men. On March 5, a number of drivers, one of whom was taking a pregnant woman to deliver her child, were stopped by police on the MKAD—a sort of Moscow beltway on the city outskirts—and instructed to park their cars at oblique angles in order to block one side of the divided highway. What they were not told by the Russian highway police (GIBDD) was that they were being deployed as "human shields," to cite the title of a YouTube video later posted by Stanislav Sutyagin, one of the drivers who was stopped.

The police hoped the criminal would crash into the barricade of autos they had just assembled, thanks to a group of unsuspecting drivers.

The GIBDD knew that an armed and dangerous criminal they were trying to apprehend was heading in their direction. Their strategy was to allow the criminal's vehicle to crash into the barricade of autos they had just assembled thanks to the compliance of a group of unsuspecting citizens. The police, however, ignored the possibility "that someone in these vehicles might be injured or shot by these criminals," Sutyagin stated. "Our lives are worth nothing to our Russian state—and the people in power absolutely to the nth degree could not care less that there were live people in these automobiles," said Sutyagin. "This is a complete *bespredel*"—a lack of law, order, and decency.

The stunt failed. The silver Audi driven by the accused criminal crashed through the parked cars and kept going. The GIBDD then had the audacity not only to not apologize to those whose lives they had endangered, but also to tell those drivers whose vehicles were damaged that they would not be compensated for the repair costs because the police were unable to apprehend the driver of the Audi. (They later reversed course and apologized after the publicity offensive created political embarrassment.)

Sutyagin said he would never stop again if a similar situation came up. "If you do not stop [when the police wave you over], the fine is only 300 roubles [about $10]. The damage to my automobile is many times more, and nothing can get your life back. Everyone else out there has to decide for themselves what they would do."

In the same week that this latter scandal was all over the news, the State Department released its worldwide human rights report, giving low marks to Russia for rampant corruption, rigged elections, and the regular killings of journalists who criticize the government. Taking a page from the Soviet era, a Russian foreign ministry spokesman pretended that none of these documented incidents had occurred and accused Washington of using the human rights issue as a foil to advance "quite concrete, material foreign policy interests."

All of this was spoken high-handedly, as befits a member of Russia's golden governmental elite. Just another one of the "special" people—like Anatoly Barkov—for whom the laws and norms that apply to ordinary people might as well not exist. The rest of Russia's populace, as we have seen, have no rights and are only fit to be human shields—or if they get in the way of one of these "special" automobiles—human victims. ♦

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Stalking the CIA

Justice lawyers at daggers drawn with the intelligence community.

BY DEBRA BURLINGAME & THOMAS JOSCELYN

Last week, Bill Gertz of the *Washington Times* broke news of a fight between the Central Intelligence Agency and the Department of Justice. The CIA wants Justice to investigate aggressively whether any laws were broken by attorneys working for the John Adams Project, a joint initiative of the ACLU and the National Association of Criminal Defense Lawyers. The lawyers reportedly provided photographs of CIA interrogators to defense attorneys, who then showed them to al Qaeda terrorists held at Guantánamo Bay.

Why would lawyers do that? Gertz says it was done "in an attempt to have the terrorism suspects identify the interrogators in order to call them as witnesses in future trials." The John Adams Project's lawyers wanted to use court proceedings intended to try mass-murdering terrorists for another purpose: to put the Bush administration and the CIA on trial.

Although CIA officials say the pictures compromised the agency's ongoing operations and could potentially lead to reprisals against the interrogators, Attorney General Eric Holder's department apparently does not think the photos are all that important. During discussions with the CIA, the department's lawyers have reportedly downplayed the seriousness of the offense. And the CIA is not happy about it.

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"Given the events of the past year there is concern in the agency over whether or not someone has their back," a former senior intelligence official explained to us. "A failure to aggressively follow up these allegations will only worsen that concern."

Gertz attributes the Justice Department's reticence to particular lawyers within the department who are "sympathetic to the John Adams Project." One Justice Department lawyer who is clearly sympathetic is Jennifer Daskal, who previously worked for Human Rights Watch and was appointed by Holder to the Justice Department's Detainee Policy Task Force last year. Prior to joining the government, Daskal was an outspoken critic of the CIA and the interrogation techniques authorized by the Bush administration.

Attorney General Eric Holder

NEWSCOM / KRISTOFFER TRIPPLAAR / SIPA PRESS

President Bush "will go down in history as the torture president," Daskal told the Associated Press in March 2008. "The Bush administration continues to insist that CIA and other nonmilitary interrogators are not bound by the military rules and has reportedly given CIA interrogators the green light to use a range of so-called 'enhanced' interrogation techniques, including prolonged sleep deprivation, painful stress positions, and exposure to extreme cold," Daskal added.

Daskal's anti-CIA activism was not limited to making hyperbolic statements to the press. Daskal and Human Rights Watch played a significant role in uncovering the CIA's secret detention facilities in Eastern Europe and Afghanistan, where top terrorists were detained and interrogated.

On November 2, 2005, Dana Priest of the *Washington Post* reported that the "CIA has been hiding and interrogating some of its most important al Qaeda captives at a Soviet-era compound in Eastern Europe." The *Post*, citing the government's security concerns, did not name the countries where the facilities were located. But just a few days later, on November 6, 2005, Human Rights Watch revealed the countries in a posting on its website. The organization said it had "collected information that CIA airplanes traveling from Afghanistan in 2003 and 2004 made direct flights to remote airfields in Poland and Romania." The organization encouraged European officials to investigate further, and the Europeans did just that.

In May 2006, the European parliament sent a delegation to Washington to discuss the CIA's secret detention and interrogation program with various interested parties. The delegation met with Human Rights Watch on

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May 10. Here is how a document produced by the European parliament describes the meeting:

> The delegation met with John SIFTON (Counterterrorism Researcher) and Jennifer DASKAL (US Advocacy Director) who provided the delegation with circumstantial evidence linking Poland and Romania to secret CIA prisons, including flight records, statements by Polish and Romanian government officials, as well as precise details of specific planes used by the CIA. Both recognized that they do not have formal evidence of these allegations, but stressed the indications of these facts were actually very strong. Their information was that there had been detainees in CIA custody well before the Guantánamo Bay detention center had been established.

Although the Europeans listed Daskal's colleague, John Sifton, as a "counterterrorism researcher," he was really researching the CIA—not the terrorists. In *The Guantánamo Lawyers*, a collection of short, sentimental memoirs written by dozens of lawyers, who sanitized their clients' histories and glorified their work on behalf of war on terror detainees, Sifton offered an intriguing account of how Human Rights Watch assisted in uncovering details of the CIA's operations.

"Throughout the years after 2001, journalists, human rights investigators, and lawyers managed to obtain a surprising amount of information about U.S. detention and interrogation operations," Sifton wrote. He elaborated (emphasis added):

> Amnesty International, Human Rights Watch, and the [*New York*] *Times* found and interviewed former CIA detainees. FOIA litigation by the Associated Press, the ACLU, and the Center for Constitutional Rights produced information about former CIA detainees at Guantánamo—lower-level prisoners who had been kept short-term in CIA detention. Every piece of the story seemed to come from a different source. . . .
>
> Lawyers and human rights groups worked together, sharing "intelligence" to uncover what intelligence agencies were doing with detainees. *When I was working at Human Rights Watch, I managed to piece together a good deal of information about the CIA's detention facilities in Afghanistan by collecting accounts from former CIA detainees at Guantánamo, mostly from notes provided by habeas attorneys*. I called and met with numerous Guantánamo attorneys to inquire whether their clients had been in CIA custody. In several instances, attorneys I reached were not aware that their clients had been in CIA custody until I explained that their clients' own accounts matched those of other CIA detainees. In one notable example, I spoke with one of the editors of this book, Mark Denbeaux, after I came to suspect his client had been in a secret site in Afghanistan—the detainee had described one of his earlier places of detention in ways that closely matched other detainees' descriptions of a CIA site in Afghanistan. The next time Mark went to Guantánamo, he confirmed this previously secret fact with the detainee.

Human Rights Watch published Sifton's investigation of the CIA's detention facilities in Afghanistan in a February 2007 report entitled "Ghost Prisoner." The report draws on graphic descriptions offered by former detainees. That same report was "reviewed and edited" by Jennifer Daskal.

What's particularly striking about Sifton's description is the role played by the Gitmo habeas attorneys. These lawyers were supposed to be helping their clients file habeas petitions with federal courts. Instead, they went far beyond that legal representation, working to expose the CIA's activities during a time of war. This involved violations of a 2004 protective order that prohibits detainee attorneys from discussing military operations, arrests, intelligence, or current events with their clients. Nor were they allowed to discuss information about other detainees who are not their own clients.

The cabal described by Sifton worked to uncover not only the location of the CIA's secret sites, but also the identities of the CIA personnel charged with transporting (via special flights), detaining, and interrogating terrorists. In *The Guantánamo Lawyers*, Sifton explained how CIA personnel were identified:

> CIA aviation operations were handled by corporate front companies, some of which were hidden by oddly thin veneers. Pilots' aliases could be cracked by searching FAA records for real persons with characteristics matching those of the aliases. CIA officers passing through Europe also broke their aliases, for instance, by calling their homes from hotels. Police records from Italy and France, revealing these calls, could later be used to confirm officers' identities.

It also proved possible for investigators to confirm that personnel were CIA: Public-records searches for CIA officers would typically reveal a set of overseas State Department or U.S. military base postings and post office-box addresses in Northern Virginia.

Some of the Gitmo lawyers have no problem with exposing the CIA's secret detention facilities or stalking CIA operatives and then showing their pictures to top al Qaeda terrorists. It is all part of the investigation and potential prosecution of the CIA, which Jennifer Daskal has long advocated.

"It would be contrary to the principles of the criminal justice system for the attorney general to say he believes a very serious crime has been committed and then to do nothing about it," Daskal told the *New York Times* in January 2009. She was referring to comments made by Holder during his confirmation hearings, in which he compared CIA interrogation techniques to atrocities committed by the Japanese in World War II and by the Khmer Rouge. "Waterboarding is torture," Holder flatly stated. "We prosecuted our own soldiers for using it in Vietnam." The clear implication was that the CIA's interrogators could be prosecuted as well.

While Holder has been willing to denigrate CIA interrogators, he is apparently not eager to investigate the people who stalked and photographed CIA interrogators and then exposed them and their families to admitted al Qaeda killers. Instead, Holder has hired lawyers like Daskal, who opposed the CIA's role in countering the terrorist threat and worked to expose the agency's detention and interrogation operations. ♦

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Yes, It Is Sectarian Violence

Nigeria's Christians massacred again.

BY JOSEPH BOTTUM

A burned home in the village of Ku-got, Nigeria

ASSOCIATED PRESS / JON GAMBRELL

Early last Wednesday morning, March 17, a Muslim mob swept through the Christian villages of Biye and Batem in central Nigeria. At least 13 dead. At least a dozen homes burned. Machetes. Children and pregnant women among the dead. Tongues cut from the corpses. All the usual horrors.

And all the usual responses. The state governor, Jonah Jang, declared (according to the African news service This Day) that the government is "taking necessary measures and exploring all possible avenues," without having much to say about what those measures and avenues might be. The state police carefully explained that the responsibility for security lies with the military. And the military reacted by issuing a press statement—an extraordinary document which somehow managed both to insist that "but for the timely intervention of troops deployed at the Riyom area, carnages would have been carried out in the two communities" and to admit, a paragraph later, that at least "nine people were killed at Biye while 13 houses were burnt in both communities before the arrival of the troops."

Perhaps such a small number of murders and arsons doesn't count anymore as carnage in Nigeria—which is a sign of how close the nation is to collapse. The attacks on the villages 28 miles south of the state capital of Jos came just ten days after major attacks on three farming villages 3 miles south of Jos that left (according to the BBC) 500 dead and 75 houses burned.

Police who were warned of mobs gathering from out of state more than 24 hours before these attacks of March 7. A security force that didn't even begin to move until two hours after the attacks. And emergency text messages from the governor that didn't go through, a spokesman explained, because of "low batteries" in the cellphones of the leading generals.

Much of this is the incompetence, corruption, and fear of encountering well-armed rebels typical of too many third-world militaries. But another factor is at work in Nigeria—for the military police forces are terrified of being perceived as taking sides in the struggles between Christians and Muslims that divide the country.

Make no mistake: What is happening in Nigeria is a battle of religion. Perhaps it has roots in the ancient divide between herdsmen and farmers. Perhaps it echoes some of the old tribal animosities among the Fulani, Berom, Hausa, Tarok, Yoruba, Ibo, and all the rest. And perhaps it is exacerbated by the geographical problems of a nation with an impoverished but politically powerful north and an oil-rich but weak south. One way or another, however, these divisions are now invariably translated into religious terms—and the blood that gets spilled is always in the name of God.

Not that anyone wants to admit it. The conflict has "more to do with disputes over access to natural resources than religion," insisted John Onaiyekan, the Catholic archbishop of Abuja. It is "fueled more by ethnic, social, and economic problems than religion," said the former president, Olusegun Obasanjo, according to a CNN report.

But even while they make these statements, you can hear the wishful tone—the overriding desire to make untrue the truth they all actually know. If it's about corruption, or politics, or social problems, then it has a cause and perhaps someone to blame. But if it is about religion, what then should they do?

The population of Nigeria is almost exactly half Muslim (mostly in the north) and half Christian (mostly in the south), but the division is not stable.

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Christianity has grown dramatically in recent decades—the nearly complete Christianizing of sub-Saharan Africa in the 20th century is one of the greatest stories of conversion in history—and the new Christians of Nigeria have no desire to stop their advance. Islam lives badly with other religions even where it is confidently dominant, and in Nigeria, it feels insecure and defensive, with the nation's proselytizing energy arrayed against it.

There may have been more politics than religion behind the adoption of Islamic sharia law by 12 northern states in 1999; the demagogues were out in force at the time, and in Zamfara, the first state to take the plunge, the governor was desperately looking for an issue he could ride. But the reason that sharia could be such an issue—the cause of its political salience—was the deep, existential insecurity from which the Islamic population of Nigeria suffers.

They can feel themselves slowly losing—in Nigeria, almost uniquely among countries with a large Muslim population—and it should not be surprising that they lash out against the missionaries who come up to proselytize in the northern states and against the Christian communities in the central states like Plateau, with its small villages around the religiously divided city of Jos.

The Christians are hardly blameless. Accurate figures of what is called the Yelwa Massacre are impossible to find; Caroline Cox of the Humanitarian Aid Relief Trust has accused Islamic propagandists of systematic exaggeration: "A consistent pattern has emerged" in all these clashes, in which "Muslim militants" take all the corpses, Christian and Muslim alike, to mosques, "where they are photographed and released to the media, creating the impression that these are Muslim victims." Nonetheless, there seems no doubt that Christians brutally attacked Muslims in the central Nigerian town of Yelwa in 2004.

But the far more usual pattern is one of Islamic attacks, with a consistent attempt by the Western media to find moral equivalence, or even to blame the Christians for provoking the attacks. Predictable "reprisal" and "revenge" for Christian violence, the *Los Angeles Times* sniffed after the March 7 murders.

This will not do. Over 300 Christian churches have been burned in Nigeria over the last four years. Jos has become a war zone, and the opening blow is almost always from the Islamic side. The September 2001 battle—1,000 dead—began when a Muslim mob attacked a Christian woman for crossing a mosque's grounds during prayer. The November 2008 riot—400 dead—grew from a Muslim crowd's violent protest of local election results. And the January 2010 clash—200 dead—started, according to the state police commissioner, when Muslims set a Catholic church on fire.

Thousands of women protesting the slaughter of Christian villagers in Jos

AFP PHOTO / PIUS UTOMI EKPEI

The political instability of Nigeria remains an open threat to the communities in the central states. The vice president, a Christian named Goodluck Jonathan, was appointed acting president by the legislature on February 9, after two and half months of absence by the Muslim president, Umaru Yar'Adua, who was receiving medical treatment in Saudi Arabia. Yar'Adua reportedly returned to Nigeria on February 24. No one other than his wife has claimed to have seen him, and rumors abound that he is in a coma. But his alleged presence in the country clouds the political situation, and Jonathan's response came on March 17, when he dismissed the entire 42-member cabinet Yar'Adua had assembled—an act for which it is not clear he has constitutional authority.

Then, the next day, Jonathan ordered home the Nigerian ambassador to Libya, after Muammar Qaddafi called for dividing Nigeria into two countries, Muslim and Christian, in order to "stop bloodshed and burning of places of worship." That's not the nuttiest idea the Libyan leader has ever suggested, but it resonated badly among Nigerians who remember the civil war that followed the secession of Biafra in the late 1960s. It would require Nigeria's Christians, moreover, to surrender to the ungentle power of permanent Muslim authority their small but growing communities in the north. And why should they agree to that?

This political confusion could easily issue in a military coup and subsequent civil war—which, given the way all conflict in Nigeria quickly translates into religious battle, would mean yet more sectarian violence. In the face of that threat, who could want a distribution of weapons to ethnic and religious communities? But when government fails, people must assume the functions of government.

If the Nigerian authorities are so frozen that they cannot safeguard their citizens—if the villages are to suffer, again and again, all the usual horrors—then there will be only two things for the churches, both in Nigeria and abroad, to do: Arm the Christian communities and damn those whose failures made it necessary. ♦

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The Dean of the Gitmo Bar

Meet Michael Ratner, lead terrorist defender

Michael Ratner (left) and attorneys Thomas B. Wilner and Joe Margulies outside U.S. District Court on December 2, 2002, after challenging the government's detention of suspected terrorists at Guantánamo Bay, Cuba.

ASSOCIATED PRESS / J. SCOTT APPLEWHITE

By Marc A. Thiessen

In recent weeks, controversy has erupted over demands that the Obama administration release the names of lawyers working in the Justice Department who once represented or advocated for captured al Qaeda terrorists. But amid the debate, one name has thus far mostly escaped mention: Michael Ratner. Don't know him? You should. Ratner is the president of the Center for Constitutional Rights (CCR), the organization that is leading the legal crusade on behalf of the al Qaeda detainees.

The center was founded in 1966 by William Kunstler and a group of radical lawyers. Its name is an Orwellian play on words—implying that the organization's purpose is to defend our constitutional system when its real objective is just the opposite. As Kunstler once told the *New York Times*, he considered himself a "double agent" whose goal was "working within the system to bring down the system."

For more than four decades, the center has been true to this mission. Since its founding, CCR lawyers have represented violent radicals, Communist fronts, cop-killers, and sworn enemies of the United States. But following the attacks of September 11, 2001, CCR made its way

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into the judicial mainstream. In 2004, the center won a major legal victory when the Supreme Court ruled 6 to 3 in *Rasul* v. *Bush* that foreign combatants captured on the battlefield in Afghanistan can challenge their detention in U.S. civilian courts. This ruling unleashed a flood of habeas corpus cases, and suddenly CCR found itself coordinating the work of hundreds of pro-bono lawyers from top flight law firms filing suit on behalf of terrorist detainees. According to its website, "CCR has led the legal battle over detentions and conditions at Guantánamo for more than six years, and coordinates the efforts of more than 500 pro bono lawyers" fighting to release Guantánamo detainees in what it terms the "so-called 'war on terror.'"

In addition to playing a coordinating role in over 200 detainee cases, CCR directly represents a number of terrorist detainees. CCR's current clients include Jose Padilla, the American-born terrorist sent by Khalid Sheikh Mohammed to blow up apartment buildings in a major American city; Mohammed al-Qahtani, the 20th hijacker in the 9/11 plot, who would have been on United Flight 93 had he not been turned away by immigration officials at the Orlando airport; and Majid Khan, an al Qaeda operative groomed by Khalid Sheikh Mohammed for suicide missions against America.

Ratner is a longtime member in good standing of the hard left. He is described in Jane Mayer's book *The Dark Side* as having "been a leader of the legal brigade of the progressive movement" since "the Vietnam war years." Mayer wrote that Ratner had "gotten under the skin of foreign dictators and multinational corporations by suing them for human rights violations in the U.S. courts." But Ratner did not get under the skin of all foreign dictators. He had a soft spot for the regime of Fidel Castro and particularly for Che Guevara. In 1997, Ratner published a book on Che, declaring the Cuban revolutionary a *Heroic Guerrilla*. Ratner describes his experience of hiking in Cuba's Sierra Maestra mountains in 1976, following the path of Che, when he came upon a group of Cuban schoolchildren: "Each was holding a handwritten placard, and singing the words written thereon: '*Seremos como Che*.' 'We will be like Che.' Tears streamed down my cheeks, my energy was renewed, and I completed the hike."

In his book, Ratner wrote evocatively of his love of Che. So while Ratner reviles America's treatment of terrorists held at Guantánamo Bay, he idolizes the man who created Cuba's KGB-style political prisons and served as Castro's chief executioner. I asked Ratner if he had ever worked for Cuban prisoners. "No one's asked me to do it; I haven't done it," he said. Of course, no one asked Ratner to represent Majid Khan, Jose Padilla, Mohammed al-Qahtani, or the other al Qaeda terrorists on CCR's client list. CCR sought them out. The fact is Ratner and the Center for Constitutional Rights have made it their business to represent America's enemies for more than four decades. This was their business during the Cold War, and it is thriving during the war on terror.

The reason Ratner represents so many of America's enemies is that Ratner believes America is evil. In his book on Che, Ratner wrote:

> Che saw the United States as a great evil, and not only because of its attacks on Cuba. He called it a "barbaric civilization," a "so-called democracy" where U.S. elections merely determine who is to be the jailer of the North American people for the next four years. . . . It is a sentiment that could not be more accurate if said today.

In our interview, I read him this passage and asked whether he still feels that America is evil. There was a pause, and then he said, "I do believe that today." Surprised, I said, "You *do* believe that today?" He quickly added, "No, I'm thinking about that." After another long pause, Ratner finally said: "You know, I think, as I've said to you before, America has a lot of practices and policies that I don't like, that I think are bad. It has a number of things that I like, that I think are good. And my object is to make this country adhere to the law, and that's what my goal has been, really, throughout my life." Referring to the quotation, he asked, "What was that, nine, eleven years ago?"—as if 1997 were ancient history. Again, he did not repudiate his writings, but replied, "My best view about what I think of America is what I just told you."

Ratner is nothing if not consistent. As recently as 2006, in an interview with *Socialist Worker Online* (yes, such a thing exists), Ratner called America a "police state," compared the Bush administration to Nazi "storm troopers," and equated 9/11 to the burning of the Reichstag, which Hitler used to establish his absolute grip on power: "Really, the best analogy for people to understand is the Reichstag fire in Germany in 1933, when the parliament of Germany was burned to the ground. That night, Hitler and the storm troopers gained power. . . . They used the Reichstag fire the same way Bush used 9/11. . . . [T]hat's really the beginning of the coup d'etat in America." This is the man behind the campaign to grant the right of habeas corpus to captured terrorists.

Ratner may despise Guantánamo, but it has been a fundraising boon for the CCR. In 2002, the center reported total revenues of $2.4 million. By 2007, that number had doubled, to $4.9 million. But these donations understate CCR's fundraising prowess. The center has also solicited tens of millions of dollars in "in kind" contributions from more than 600 law firms, which

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have given their time pro bono to represent Guantánamo detainees as part of CCR's "Global Justice Initiative."

In our interview, Ratner described this effort. He explained that in 2004, after the *Rasul* case opened the door for captured enemy combatants to contest their detention in civilian courts, "we put out a call to other firms across the country . . . to start representing people. And we started the next year [with] probably 100 people, and over the next year got to about 600." In addition to recruiting attorneys for terrorist clients, he says, CCR helps by "training the lawyers from these firms how to do these habeas cases, and that involves everything, once we got access to the client, from how you deal with your clients [to] what issues you have to be sensitive with Muslim clients." Ratner adds, "We also set up a 'Guantánamo listserv,'" a confidential online forum allowing "Guantánamo lawyers [to] share their perspectives and thoughts on how the cases are being litigated. And we follow up when there is a new client who needs counsel. We'll reach out and get the client" and then connect them with a lawyer.

'[The Nazis] used the Reichstag fire the same way Bush used 9/11. . . . that's really the beginning of the coup d'etat in America.'

—Michael Ratner

The major law firms working on detainee cases do not downplay their connections to Ratner; to the contrary, many embrace him. One firm listed in CCR's 2008 annual report as part of its "Global Justice Initiative" is Jenner & Block, where Obama associate attorney general Thomas Perrelli served as managing partner of the Washington, D.C., office. According to Jenner's website, the firm has worked with CCR, which it describes as "spearheading the coordinated efforts of all counsel" in Guantánamo cases. Jenner and Ratner also share a client: Jose Padilla.

Another firm working with CCR is Covington & Burling, Eric Holder's law firm for eight years before he became Barack Obama's attorney general. The firm's website proudly notes that in 2008 it received the Center for Constitutional Rights's "Pro Bono Law Firm of the Year" award. According to the *American Lawyer*, Covington & Burling lawyers spent 3,022 hours on Guantánamo litigation in 2007, more than on any other pro bono effort that year. At an average rate of $400 per hour, that comes to more than $1.2 million in donated legal services. Other well-known law firms working with CCR in its Global Justice Initiative include Morrison & Foerster; Wilmer Hale; Sullivan & Cromwell; Manatt, Phelps & Phillips; Holland & Hart; Paul, Weiss, Rifkind, Wharton & Garrison; Pillsbury, Winthrop, Shaw, Pittman; Shearman & Sterling. And there are many, many others.

It is doubtful that many of the senior partners at these firms are familiar with Ratner or his objectives in the habeas campaign. But in our interview Ratner made no bones about his goals: "For me there's only two answers for people at Guantánamo or the KSMs of the world. You either try them—on the evidence you have you charge and try them—or you release them." I asked specifically about Khalid Sheikh Mohammed, the mastermind of the 9/11 attacks. "It would apply to anybody," Ratner said.

Ratner is not satisfied with harnessing the American legal system to aid the release of terrorists. CCR is also working with foreign prosecutors to indict top Bush administration officials for war crimes. Ratner explained to me that this was the future of CCR's litigation effort. "We tried to do it here in various civil cases, suing [former Secretary of Defense Donald] Rumsfeld . . . for torture in Guantánamo," he said. "But in the end, what we did was we launched a series of criminal cases in Europe, particularly in Germany and France, and now of course we're cooperating in Spain." These cases, Ratner said, send a message to our government that "if you're not going to investigate your own torture program . . . Europe under universal jurisdiction will be able to go forward and do that."

Ratner has been surprisingly quiet in the recent controversy over the disclosure of which Justice Department lawyers have represented Guantánamo detainees. But a few years ago, when the top Defense Department official in charge of detainee affairs, Charles "Cully" Stimson, questioned the propriety of American law firms representing terrorists, an infuriated Michael Ratner gave a long interview in which he compared Stimson to Senator Joseph McCarthy. Stimson, he said, had employed "a McCarthyite tactic that really shows, in my view, some of the legacy of where some of these people in the Bush administration hark back to and would like to see in this world." The publication where Ratner made those comments? *Revolution Newspaper*, the self-described "voice of the Revolutionary Communist Party USA."

During the Cold War there were Americans devoted to undermining U.S. policy in the struggle with Soviet Communism. Today in the war on terror, there are left-wing attorneys working to undermine U.S. policy in the struggle with violent Islamic extremism. As the story of Michael Ratner and the Center for Constitutional Rights shows, they are sometimes the very same people. ♦

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Germany's War on the War on Terror

Terrorist financiers: good. Tax evaders: bad

By John Rosenthal

Last month, the European parliament rejected the so-called SWIFT agreement, which would have permitted American terrorism investigators to continue inspecting data on international financial transactions originating from European banks. The members of parliament thus shut down a program that French investigative judge Jean-Louis Bruguière concluded was a "vital counter-terrorism tool," which had proved its worth in both elucidating terror attacks and preventing them.

Officially known as the Terrorist Finance Tracking Program (TFTP), it was set up by the Bush administration after the 9/11 attacks. In a report submitted to the EU, Judge Bruguière listed several terror acts that had been thwarted with the help of it: among them, the 2006 U.K.-based plot to bring down transatlantic airliners using liquid explosives, the 2007 "Sauerland cell" plot to bomb American military installations in Germany, and the 2007 plot to blow up New York's John F. Kennedy Airport. Among the plots that the TFTP has helped investigators to elucidate, the report mentions the 2002 Bali bombings, the 2004 Madrid train bombings, the 2005 London transport bombings, and the 2008 Mumbai attacks. The arrest of Riduan Isamuddin—the reputed "Bin Laden of Southeast Asia"—was reportedly facilitated by the program.

The SWIFT agreement is so-named for the Society for Worldwide Interbank Financial Telecommunication, a Brussels-based consortium of banks. In voting down the agreement, the European parliament made use of powers freshly accorded it under the Lisbon Treaty. The vote has thus been hailed in the European media and in the halls of the parliament itself as a triumph of "European democracy." The fact that the vote was held anonymously, with no record of the votes of individual MEPs being made public, suggests that European democracy still has a ways to go.

Despite the anonymous voting procedure, however, the boisterous run-up to the vote left no doubt about the leading role played by German MEPs of all political persuasions in killing the agreement. That German Social Democrats, Greens, and the "post-Communist" Left party opposed the agreement will come as no surprise. "This agreement . . . breathes the spirit of the security ideology of the United States of America," the leader of the Socialists in the European parliament, Martin Schulz, thundered during a debate the day before the vote, "but it does not breathe the spirit of the protection of the fundamental rights that we as European deputies must guarantee for the citizens of this continent."

The European People's party (EPP), by far the largest group in the parliament, supported the agreement, as did the smaller European Conservatives and Reformists group, which includes Britain's Tories. So too did the Socialist government of Spain, which currently holds the EU's rotating presidency. Speaking on behalf of the presidency during the debate, Spain's minister of the interior, Alfredo Pérez Rubalcaba, pleaded—albeit somewhat apologetically—for approval of the agreement.

The key to the defeat of the SWIFT agreement was thus the defection from the EPP mainstream of the German MEPs of Angela Merkel's Christian Democratic Union (CDU) and its Bavarian sister party, the Christian Social Union (CSU). As the *Frankfurter Allgemeine Zeitung* noted, the votes of conservative MEPs combined with those of "renegade" Spanish socialists might have sufficed for a majority in favor, "were it not for the German 'Union' deputies."

On January 31, just days before a crucial vote in the parliament's committee on civil liberties, justice, and home affairs, Manfred Weber of the CSU flagged his opposition in an op-ed titled "No Transfer of Bank Data!" in Germany's mass-market tabloid *Bild*. In terms essentially indistinguishable from those of his Social Democratic colleague Schulz, Weber wrote, "For the data of European citizens, we deputies want European data protection standards." On February 4, the committee recommended the rejection of

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the agreement. Werner Langen, the chairman of the CDU/CSU delegation in the parliament, likewise inveighed against the agreement. Insisting on the need for greater parliamentary input, Langen said, "Such a far-reaching agreement that encroaches on the rights of citizens cannot come to pass without public parliamentary consultation."

The need to negotiate an access agreement emerged following the decision of the SWIFT consortium to shut down its U.S. servers and store all relevant data at European locations. In July of last year, the European Council, representing the 27 EU member states, announced its intention to negotiate the required agreement with the United States. The mere prospect of negotiations sparked frenzied reactions across the German political spectrum.

CSU chairman Horst Seehofer spoke of a "scandal" and described the negotiation plans as "absolutely preposterous." The Franco-German Green MEP Daniel Cohn-Bendit—the legendary "Dany the Red" of May '68 fame—warned of an impending "putsch" in the European parliament. The head of Germany's Free Democratic party (FDP) Guido Westerwelle—presently, the German foreign minister—insisted that the plan "must be stopped."

The parliamentary vote was hailed as a triumph of 'European democracy.' The fact that it was held anonymously, with no record of the votes of individual MEPs being made public, suggests that European democracy still has a ways to go.

As echoed in the later remarks by Langen, one ostensible source of the outrage was the alleged bypassing of the European parliament by the council and the European Commission. Under the pre-Lisbon rules, the parliament did not have a right of co-decision in the matter. But that it was hardly the aim of the council to bypass the parliament is made abundantly clear by the fact that the negotiating mandate only concerned an *interim* agreement. The latter was supposed to remain in effect while a final agreement was negotiated and submitted for the parliament's approval under the new Lisbon arrangements. It was this interim agreement—scheduled to run only until October 31 of this year—that the parliament rejected last month, opening up precisely the sort of security breach that the interim arrangement was designed to avoid.

While the German government had consented to negotiations on the agreement in July 2009, it is notable that when the completed agreement was approved by the European Council four months later, Germany abstained. As the council decision required unanimity, a German "no" would have killed the agreement then and there. But rather than bearing the onus of having torpedoed a crucial transatlantic security arrangement, the German government by its abstention simply handed off the issue to "Dany the Red," Werner Langen, and the other "putschists" in the European parliament.

German opposition to the TFTP is couched in terms of privacy concerns and "data protection." The opponents virtually never specify any concrete damage that an unsuspecting bank client might be expected to suffer on account of the program. After the parliament vote, U.S. State Department spokesperson Philip J. Crowley showed deference to this line of argument by knowingly observing, "It's no secret that Europe and the United States approach privacy issues differently." The general tone of the German opposition was captured by the *Berliner Zeitung*, which snippily titled a July 2009 report on the SWIFT negotiations "So Much for Bank Secrecy."

But the fact of the matter is that the German government itself, in the name of combating tax evasion, has for many years now been conducting a veritable crusade against the confidentiality of bank client data. In the latest episode in this crusade, Chancellor Merkel recently endorsed the purchase of stolen Swiss bank data by state-level German tax authorities. (The decision was announced in early February, just a week before the EU parliament vote on the SWIFT interim agreement.) The data thief is reported to have been paid the equivalent of $3.4 million. Shortly thereafter, German finance minister Wolfgang Schäuble summarily declared to the Swiss press, "We will eliminate bank secrecy . . . in Europe." Schäuble is a leading member of Merkel's Christian Democratic Union.

Two years earlier, the German foreign intelligence service, the BND, had purchased data stolen from the Liechtenstein-based LGT Bank. The purchase led to, among other things, a televised police raid on the home of Klaus Zumwinkel, one of Germany's best-known business executives and now its most famous tax evader. Not only did the BND pay the data thief the equivalent of $5.5 million. According to reports in the German media, it also furnished him with a new identity. One can only conclude that in the eyes of both of Germany's leading political parties, it is good and righteous for Germany to violate a bank client's expectation of confidentiality in the name of combating tax evasion and topping up the coffers of the German treasury, but it is bad and evil for the United States to do the same in the name of combating terrorism and saving lives.

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In early March, in yet another decision that will undermine international counterterrorism efforts, Germany's constitutional court overturned a law requiring telecommunications firms and Internet access providers to retain basic client usage data for six months. The German law merely served to implement the minimum requirement laid out in a 2006 European Union directive. In an act of defiance vis-à-vis the authority of the EU, the court ordered the data to be deleted—some of it "immediately."

Much of the data covered by the EU directive is information that is automatically generated by telecommunications firms as a matter of course for technical and administrative reasons. It has nothing to do with surveillance. Although it obviously can become highly relevant to criminal and/or counterterrorism investigations, under normal circumstances it will not be consulted by anyone ever. Nonetheless, the German court argued that the mere existence of the data "creates a diffuse threatening feeling of being observed."

Well, if telephone or Internet users in Germany experience the "threatening feeling of being observed," it is likely because *they really are* being observed. German law enforcement authorities are able to employ wiretaps and other forms of electronic surveillance with an ease that would make their American counterparts green with envy. In 2007, nearly 1 million phone calls were monitored by police in Berlin alone. Over 1,000 Berlin residents were the targets of wiretaps. A 2003 study conducted by Germany's Max Planck Institute for Foreign and International Criminal Law found that wiretaps are used by law enforcement authorities some 30 times more frequently in Germany than in the United States.

The same study found that only 0.33 percent of the German wiretaps were associated with subsequent prosecutions and convictions. This is one-fifth of the corresponding figure for American wiretaps. Taken together, the statistics strongly suggest that German authorities make a broad practice of monitoring the telecommunications of generically "suspicious" persons without having to meet anything near the probable cause standards that obtain in the United States.

What is perhaps most startling about the German opposition to the SWIFT agreement, however, is the seemingly total indifference of the opponents to the reality of terrorist financing and the threat that European jihadist networks represent.

Seyam Reda breaks into a broad grin after being asked what he thinks of al Qaeda terror attacks.

ASSOCIATED PRESS / TATAN SYUFLANA

As was already made clear by the 9/11 attacks, Germany itself has been a major hub of jihadist activism and terror financing. Americans will largely be aware of the Hamburg cell and of the three suicide pilots—Mohammed Atta, Ziad Jarrah, and Marwan al-Shehhi—who came from Germany to America to train for and carry out the attacks. But they might be less aware that even after the arrival of the trio in the United States, their Hamburg cell co-conspirator Ramzi Binalshibh continued to play a crucial role in facilitating the attacks from German soil. Among other things, he did so, notably, by transferring funds.

It was indeed the discovery of Binalshibh's Hamburg phone number among Zacarias Moussaoui's personal affairs that would allow investigators to connect Moussaoui to the 9/11 plot. Binalshibh is known to have transferred $14,000 to Moussaoui in America. Binalshibh is also suspected of having been involved in the planning of the October 2000 attack on the USS *Cole*. He had lived in Germany since the mid-1990s.

At Moussaoui's 2006 trial, FBI agent Michael Anticev complained about the lack of cooperation of German authorities with American counterterrorism investigations. Asked whether it was difficult to obtain phone records from Germany in 2001, Anticev replied, "Extremely, extremely." He explained, moreover, that phone numbers that were furnished would often be truncated, the last "three or four digits" having been dropped off. Asked whether obtaining financial records was equally difficult, Anticev replied that it was "a little bit easier," but that the process was "not automatic" and, in any case, typically took "months."

In September 1998—at a time when, under the chancellorship of Helmut Kohl, German officials were more cooperative—al Qaeda financier and cofounder Mamdouh Mahmud Salim was arrested near Munich while on a visit to Germany. Also known as "Abu Hajer al Iraqi," he would subsequently be extradited to the United States to face trial for his role in the August 1998 terrorist attacks against American embassies in Africa.

Two other well-known al Qaeda financiers remain free men in Germany. Mamoun Darkazanli held power of attorney over a joint German bank account with Salim. In a 2002 report on terror financing prepared for the U.N. Security Council, Jean-Charles Brisard stated that Darkazanli provided "financial and logistical support" to the Hamburg cell. Darkazanli is also suspected of involvement in the African

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embassies plot. He is on both the U.S. and U.N. lists of terrorist persons and entities. He is wanted by Interpol. And he is under indictment in Spain. The 2005 Spanish indictment describes him as "the permanent interlocutor and assistant of Osama bin Laden in Germany."

German prosecutors have themselves confirmed Darkazanli's activities on behalf of al Qaeda, but they have somehow managed to conclude that these activities are "without criminal relevance." German authorities have not only declined to bring charges against Darkazanli, but have also refused to extradite him to face charges abroad.

The case of Reda Seyam, a naturalized German citizen of Egyptian origin, is perhaps even more astonishing. Seyam is widely believed by intelligence sources and terror experts to have organized the financing for the 2002 Bali bombings, which killed over 200 people. He had already been arrested by Indonesian authorities on suspicion of involvement in terrorist activity several weeks before the attacks.

After his arrest, Germany's Federal Crime Bureau (BKA) dispatched agent Michael von Wedel to Indonesia to investigate the charges. In his 2008 memoir *Die Abrechnung* ("Settling Accounts"), von Wedel described how his investigations would confirm Seyam's involvement in jihadist financing in Southeast Asia. But he also described how his own assignment in Indonesia morphed from investigating Seyam into protecting him from possible "rendition" by the CIA. In July 2003, a BKA team whisked Seyam safely home to Germany. German authorities have never brought charges against him.

Since his return, incidentally, Seyam has made no secret of his jihadist convictions. He has, for instance, told a reporter that Muslims have an "obligation to kill *kafir* [unbelievers]" and even named one of his many children "Jihad." In a documentary that was broadcast by Germany's ARD public television in February 2007, Seyam explained that al Qaeda "is fighting for the good cause." Asked what he thought of al Qaeda terror attacks, he replied, "No comment" and then broke into a broad mischievous grin.

Another prominent member of the rogues' gallery of terror facilitators who have operated out of Germany is Christian Ganczarski. The German convert to Islam is presently serving an 18-year prison sentence in France for membership in a terrorist organization—al Qaeda—and complicity in the 2002 Djerba synagogue bombing. Shortly before the attack, the suicide bomber called Ganczarski at his home in North Rhine-Westphalia to ask for his blessing. We know this, because German police were listening in on the conversation. But German prosecutors never saw fit to bring charges against Ganczarski. In June 2003, he made the mistake of changing planes in Paris while on a trip from Saudi Arabia to Germany. The French police were waiting for him. Otherwise, he might never have been brought to justice.

When it emerged that one of the suspects arrested in March 2004 in the aftermath of the Madrid train bombings had previously spent time in Darmstadt, the *Frankfurter Allgemeine Zeitung* ran a slightly defensive article with the telling headline "There Is Always a Clue that Leads to Germany." It would later turn out that no less than the presumed mastermind of the attacks, Rabei Osman Sayed Ahmed, had moved to Spain from Germany in September 2001.

To the leading German political parties, it is good and righteous for Germany to violate a bank client's expectation of confidentiality to combat tax evasion, but it is bad and evil for the United States to do the same to combat terrorism and save lives.

How many of the clues uncovered by the Terrorist Finance Tracking Program led to Germany? We probably will never know. We do know that American law enforcement officials tipped off their German counterparts about the Sauerland cell. Would the plotters' envisioned inferno at the American Air Force base in Ramstein have come to pass were it not for the TFTP? The 2006 U.K.-based transatlantic airliners plot is also reported to have had a German connection.

Now, however, it appears that there are to be no more clues. As a consequence of the annulment of the SWIFT agreement—as well indeed as the German Constitutional Court's quashing of the data retention law—Germany is sure to become an even more secure haven for terrorists and their financiers than it already has been. And, as we know, when Germany is a safe haven for terrorists and terror financing, it is a danger for the United States and the rest of the world.

There remains one mysterious detail in Judge Bruguière's report that urgently requires clarification from the Obama administration. The report notes that in 2009 one country was already removed from the scope of TFTP data requests. It is difficult to see why any country should be excluded from the scope of the program, and it is hard to imagine that any country would be excluded unless it had requested to be so. If the Obama administration has already removed Germany from the scope of the TFTP, then the administration's ostensible efforts to defend the program are nothing but a farce. ♦

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Paris Hilton, 2010

Grace Kelly, 1954

A Power to Persuade

The deeper meaning of glamour

BY VIRGINIA POSTREL

After C-SPAN reran a 1999 *BookNotes* interview about my first book, I received an email from a disappointed viewer. He was chagrined to hear that I was editing a website called DeepGlamour instead of writing "more serious nonfiction." Glamour, he implied, is a trivial subject, unworthy of consideration by people who watch, much less appear on, C-SPAN.

To which I have two words of response: Barack Obama. In an era of tell-all memoirs, ubiquitous paparazzi, and reality-show exhibitionism, glamour may seem absent from Hollywood. But Obama demonstrates that its magic still exists. What a glamorous candidate he was—less a person than a persona, an idealized, self-contained figure onto whom audiences projected their own dreams, a Garbo-like "impassive receptacle of passionate hopes and impossible expectations," in the words of *Time*'s Joe Klein. The campaign's iconography employed classically glamorous themes, with its stylized portraits of the candidate gazing into the distance and its logo of a road stretching toward the horizon. Now, of course, Obama is experiencing glamour's downside: the disillusionment that sets in when imagination meets reality. Hence James Lileks's recent quip about another contemporary object of glamour, "The Apple tablet is the Barack Obama of technology. It's whatever you want it to be, until you actually get it."

As critics who denounce movies that "glamorize violence" or "glamorize smoking" understand, glamour is much more than style. It is a potent tool of persuasion, a form of nonverbal rhetoric that heightens and focuses desire, particularly the longing for transformation (an ideal self) and escape (in a new setting). Glamour is all about hope and change. It lifts us out of everyday experience and makes our desires seem attainable. Depending on the audience, that feeling may provide momentary pleasure or life-altering inspiration.

The pleasure and inspiration may be real, but glamour always contains an illusion. The word originally meant a literal magic spell, which made the viewer see something that wasn't there. In its modern, metaphorical form, glamour usually begins with a stylized image—visual or mental—of a person, an object, an event, or a setting. The image is not entirely false, but it is misleading. Its allure

Glamour
A History
by Stephen Gundle
Oxford, 496 pp., $24.95

Glamour in Six Dimensions
Modernism and the Radiance of Form
by Judith Brown
Cornell, 199 pp., $39.95

Virginia Postrel, author of The Future and Its Enemies *and* The Substance of Style, *edits a group blog at DeepGlamour.net.*

HILTON, TODD WILLIAMSON / WIREIMAGE; KELLY, UNDERWOOD & UNDERWOOD / CORBIS

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depends on obscuring or ignoring some details while heightening others. We see the dance but not the rehearsals, the stiletto heels but not the blisters, the skyline but not the dirty streets, the sports car but not the gas pump. To sustain the illusion, glamour requires an element of mystery. It is not transparent or opaque but translucent, inviting just enough familiarity to engage the imagination and trigger the viewer's own fantasies.

Glamour can, of course, sell evening gowns, vacation packages, and luxury kitchens. But it can also promote moon shots and "green jobs," urban renewal schemes and military action. (The "glamour of battle" long preceded the glamour of Hollywood.) Californians once found freeways glamorous; today they thrill to promises of high-speed rail. "Terror is glamour," said Salman Rushdie in a 2006 interview, identifying the inspiration of jihadi terrorists. New Soviet Man was a glamorous concept. So is the American Dream.

Glamour, in short, is serious stuff. It can alter life plans, even change history. And as a broad psychological phenomenon, it holds intrinsic interest. While rarely addressed in C-SPAN discussions, glamour is the sort of topic to which such 18th-century titans as Adam Smith and David Hume often turned their attention. It spans culture and commerce, psychology and art.

Nowadays we call such subjects "cultural studies" and consign their serious consideration largely to the academic left. Fortunately, a field that was once little more than an excuse to bash capitalism has evolved over time, attracting curious scholars who, for all their Marxist-inflected training, genuinely want to understand the phenomena of modern, commercial culture. One result has been a reconsideration of glamour, which in an influential 1972 BBC series and subsequent book the Marxist critic John Berger reduced to "the state of being envied." In his desiccated assessment, glamour was a manifestation of capitalism's vicious game of winner-take-all, reflecting a society that has "moved towards democracy," by which he meant absolute egalitarianism, "and then stopped halfway," giving rise to widespread social envy.

To the contrary, suggests Stephen Gundle in *Glamour: A History*, glamour is a generous quality, a sign of an open society. It upends hierarchy and privilege. Glamour, he writes,

> captured the imagination in an age when deference was giving way to democracy. Glamour contained the promise of a mobile and commercial society that anyone could be transformed into a better, more attractive, and wealthier version of themselves.

It's the same essentially Marxist history, given a more positive spin. Gundle's basic insight is correct. As an imaginative process, glamour implies a kind of equality between object and audience. Admirers project themselves into the lives of glamorous people. They imagine inhabiting glamorous places. They identify with glamorous public figures: politicians, athletes, movie stars. A glamorous object—person, place, or thing—is a kind of alter ego, a magic mirror in which we can see our desires realized. Gundle, a professor of film and television studies at the University of Warwick, thus distinguishes glamour, which he identifies with the bourgeoisie, from the magnificence associated with aristocratic courts. Glamour, he argues, was not a quality found at Louis XIV's Versailles. "Unlike glamour which was about image," he writes, "magnificence involved the massive accumulation of treasures and luxuries as a right."

Glamour, of course, can gild not only inconsequential objects but deeply consequential ones, including political leaders, policies, and ideas.

Gundle has done impressive research, and his history is full of interesting personalities and details. He traces the development of society gossip columns and explains the early 19th-century rage for "silver fork novels," with their supposed insider look at aristocratic life, complete with the details of dinner party place settings. He digs up such delightful tidbits as the fact that, in the 1920s, a revue called *Glamorous Night* "was sold to the directors of the Drury Lane theater purely on the basis of the combination of the two words that made up the title." He contrasts the allure of mid-century cars in the United States, where they were part of everyday life and drew their glamour from the associations created by styling and advertising, with the meaning of their European counterparts: exotic machines too expensive for the general public and known through movies and motor racing.

But ultimately, *Glamour: A History* fails to adequately define its subject. Like the fashion magazines that promise "instant glamour" and deliver only photos of crystal hair ornaments and silver lamé tops, Gundle sees glamour as a "visual effect." Glamour, he writes, "is best seen as an alluring image that is closely related to consumption . . . an enticing and seductive vision that is designed to draw the eye of an audience." Its purpose is "to dazzle and seduce." But dazzling and seducing are two different things.

Take that distinction between glamour and magnificence. Gundle's point about Versailles is well taken. An absolute monarch cannot be glamorous because no subject would dare to identify with him. But the mere fact that Napoleon, the subject of one of Gundle's chapters, was not an aristocrat does not make his court "the first in history that can accurately be described as glamorous." Like the self-consciously magnificent Medici, Napoleon may not have ruled by inherited right, but he employed visual spectacle less to seduce and persuade than to overwhelm and intimidate. Magnificence, not glamour, is a signal of power. Magnificence, like spectacle, produces awe; glamour, by contrast, stokes desire. If Napoleon possessed glamour, it was the ancient martial form shared by figures like David, Alexander, and Alcibiades, a product of triumphs theoretically possible for any man of military talent. It did not arise from the emperor's glittering court. A real consideration of modern political glamour would pay less

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attention to stylish salon hostesses and more to portraiture, posters, and propaganda—the tools of persuasion.

Despite his diligent research, Gundle is too blinded by flash and cash, and too obsessed with luxury and class privilege, to distinguish glamour from celebrity glitz. You can tell his analysis has gone terribly wrong when, on page 385, he declares Paris Hilton "indisputably glamorous."

Paris Hilton is many things: rich, famous, photogenic, sexy, pretty, well dressed, and savvy about her career. But only a select few, mostly young girls, find her glamorous. In the countless social conversations I've had about glamour over the past few years, her name has come up, unsolicited, again and again. She is the anti-Grace Kelly, the touchstone people cite when trying to explain what is *not* glamorous. When I polled DeepGlamour readers, more than half deemed Paris "not at all glamorous" and nearly a third called her glamorous "to some people, but not to me"—an unscientific result, to be sure, but enough to puncture Gundle's claim of indisputability.

Paris Hilton cannot be glamorous, one astute reader commented, because she "is immediately 'knowable,' to the bottom of her (undoubtedly) well-shod toes." She lacks glamour's essential mystery, an element Gundle, who pays little attention to the nature of glamour's illusions, almost completely ignores.

By contrast, for Judith Brown in *Glamour in Six Dimensions: Modernism and the Radiance of Form*, glamour is all about mystery, distance, and "impenetrability." An assistant professor of English at Indiana University, Brown sees glamour as a debased, 20th-century form, or "magical remainder" of the 18th-century sublime, with its aesthetic of the "delightful terror" of the overwhelming and infinite. Like that more transcendent quality, she suggests, glamour "moves one out of the material world of demands, responsibilities, and attention to productivity, and into another, more ethereally bound, fleeting, beautiful, and deadly." And like the fearfulness of the sublime, glamour produces a pleasure born of negative emotions, in this case "the pleasure associated with *not* having." Glamour is all about "impossible desire."

Brown dismisses the moralizing Marxists who see in glamour nothing more than a false and manipulative tool of capitalism:

> Rather than condemning glamour by focusing on its nefarious links to profit-making and political repression, I am interested here in considering glamour beyond good and evil, as a negative aesthetic that courts danger, finds in it powerful creative potential, yet is not entirely subsumed by a political or moral ideology.

This is a bolder statement than it might initially appear. Brown represents a younger generation of cultural studies scholars who dutifully nod to the politicized theory of their elders but refuse to be limited by it. Even when entwined with commerce, she recognizes, art and desire have purposes and logics of their own.

More subversively, she is challenging the view—as ancient as Plato and as contemporary as the celebrity muckrakers at TMZ—that glamour is evil, or at least undesirable, because it is illusory. Ours is a culture of full disclosure, which extols frankness, transparency, and self-revelation, all of which destroy the mystery required for glamour. Arguing that glamour is intrinsically neither good nor bad, and may be valuable even though it carries the likelihood of disillusionment, challenges more than just a few academic Marxists.

Brown treats glamour as a phenomenon with "its own recognizable aesthetic that finds its ideal conditions in the clean (synthetic, cold, abstract) lines of high modernism." This approach leads her sometimes to overemphasize particular "glamorous" styles, disregarding the translucent veil, for instance, in favor of the opaque polished surface. But hers is a much deeper and more psychologically nuanced analysis than Gundle's glitz-oriented account. (It's also, unfortunately, more clotted with jargon.) Instead of reveling in celebrity culture, she engages such subtle issues as the relation between glamour and timelessness, stasis, and death.

As a literary scholar, Brown also has an advantage over the visually oriented Gundle. Her close readings of Wallace Stevens, Virginia Woolf, F. Scott Fitzgerald, and Nella Larsen not only connect glamour with modernist literary ideals and forms. They give her access to descriptions of what the experience of glamour feels like from the inside. Thus she writes of the protagonist of *The Beautiful and Damned*:

> When Anthony Patch, one of Fitzgerald's failed heroes, learns that "desire cheats you," he refers to a phenomenon we now recognize as the power of glamour: "It's like a sunbeam skipping here and there about a room. It stops and gilds some inconsequential object, and we poor fools try to grasp it—but when we do the sunbeam moves on to something else, and you've got the inconsequential part, but the glitter that made you want it is gone—." We may demand the sparkling surface, like a cellophane coating, yet what we are able to grasp will be of little consequence. Glamour wields the power to capture its viewers' attention as if by a spell that fascinates and arrests. . . . Transfixed, one gazes at a world of possibility that is foreclosed, inaccessible, yet endlessly alluring.

Glamour, of course, can gild not only inconsequential objects but deeply consequential ones, including political leaders, policies, and ideas. Here, although she never discusses such subjects, Brown's analysis offers a useful warning: "Glamour did not emerge from human warmth, morals, and the messy emotions that define the everyday," she writes of Hollywood glamour photography. "Rather, in their place was the coolly aloof and beautifully coiffed personality, hovering over the multiple indignities of life on the ground." Glamour not only makes things look better than they really are. It also tends to edit out human complexity—including, in the political realm, the complexity of disagreements, of clashing values, of diverse wants, of technological, economic, and moral tradeoffs.

Political figures as glamorous as Obama are rare. But glamorous policy proposals are not. Fitzgerald's description offers a valuable warning—and one that C-SPAN viewers might keep in mind, whether they rail against political glamour or succumb to it. ♦

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B&A

It's Autobiographical

'The most democratic province of the republic of letters.'

BY TRACY LEE SIMMONS

James Frey submits to Oprah Winfrey, 2006

ASSOCIATED PRESS / HARPO PRODUCTIONS, GEORGE BURNS

Girding himself for a tough reelection battle looming in 1964, John F. Kennedy mused that, whether he would go on to serve two terms or only one, he would reach a peculiarly awkward age upon leaving the White House: too old to start a new career and too young to write his memoirs. He would face no such conundrum were he living now. In a day when Miley Cyrus can perpetrate an autobiography, a candid account of his own days, penned by a witty former president, especially one who seemed an avid student of history with a well-stocked mind and flair for taut phrasing, even a biased book dotted with a few planned or accidental flaws, would have been a bracing splash of water in a parched world.

Memoir
A History
by Ben Yagoda
Riverhead, 304 pp., $25.95

Memoirs aren't what they used to be. We still tend to think that one must have lived a life of some moment and longevity to justify writing it up for posterity, that memoirs flow from the fountain pen—we picture these people writing with pens, not iPads—of someone whose days have been more grand or more variegated than our own, someone who has lived a life, as one wit put it, "fit to be written." But this picture is not entirely true. And as Ben Yagoda informs us in this cogent study of memoir-writing over the last few millennia, the good memoirs, the ones worth reading one generation after another with nourishment for each, have always been the exception. The average has been, back in those headier days as well as now, relentlessly average, and that average can go fairly low nowadays.

Take a stroll through the local bookstore chain. If we set aside the self-help books, which bid fair to gobble up the place, no other genre seems quite so ubiquitous now as does the memoir, and not in bookstores alone. When any author is given air time on a TV or radio talk show he or she is likely to have written a memoir—not a novel or a work of history or science or even politics. Writing a memoir, it is hoped and believed, provides the slickest way to fame. The market has become so saturated with chronicles both of the formerly famous and woefully obscure, elbowing each other for shelf space, that those of us who still frequent bookstores may wonder if musty old categories like art, history, fiction, philosophy, and poetry aren't somehow rendered superfluous in the backwash of the tide.

To possess the sensibility, at once hard and refined, to write a poem that might illumine the darker corners of existence for other people with exquisitely apt, searing words is one thing; to come out as a nearly illiterate but presumably reformed drug-addled pimp who's found religion at the end of a string of smashed lives, and write up the tale is quite something else again. Indeed, it's the stuff of the Oprah Book Club.

Still, it was not always thus. Yagoda's walk along the towering peaks of the form reminds us of the giants that have walked there. St. Augustine's *Confessions* "stands like a lone literary skyscraper in a vast flat medieval landscape," but it stamped the template for introspective self-examination and inspired proliferating brands of spiritual autobiography that took deep root (for example) in the Puritan soil of 17th-century Massachusetts, and bore fruit three centuries later with *The Seven Storey Mountain* and *The Autobiography of Malcolm X*, narratives of ardent personal conversion whose purpose was to assure the restless and weak still wrestling with demons that salvation awaited all prepared to walk the same path.

But with the 18th century arose an impulse other than the redemption of one's fellows with Jean-Jacques Rousseau's own *Confessions*, which was (to put it mildly) not a God-directed work, replete as it was with every possible tidbit of salacious disclosure and rank

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indiscretion its author could scrape up, though none the less diverting for all that. Scandalous as it was, the book advanced a new motive for writing up one's own life: People do not understand one another, Rousseau declared, because they tend to assume that other people are much like themselves when they are not, and so an honestly blemished revelation of oneself carries the power to expand a reader's consciousness and make his world a bigger, more tolerant place. This was a formidable spur, Rousseau thought, to the fuller life, although a casual browse through the bales of sordid chronicles his memoir has spawned, right up to the day before yesterday, might dent the point a bit.

Exhaustively combing through stacks most of us would gladly pass by, Yagoda traces the line of Rousseau's less distinguished progeny, where we learn, for instance, that the down-and-out sort of memoir released under the names of former wastrels is no modern invention; criminals' tales, some told by those two feet from the gallows, enjoyed an especial popularity in the 18th and 19th centuries—but whether serving the appetites of the prurient or the upright as morality tales isn't always clear.

It also turns out that authenticity of authorship in memoirs has been open to question for centuries. Yagoda dredges up cases of memoirs from the 1920s and '30s that were proven to be outright fakes after enjoying healthy sales, and then lists the spate of more innocent books—and a heaping helping they are—from the 1940s and '50s that took on zestier incarnations such as Broadway musicals, movies, and television series. But by the time we pull up into our own day—and to the 2006 disgrace of James Frey's *A Million Little Pieces*, the supposed hard-boiled street-life memoir quickly revealed to be a complete fabrication—much to Oprah's hyperventilating ire for having been taken in—the scene becomes more than a bit dismal as we come to realize not only that we can never be quite certain who is writing under an author's name, but that publishers have little incentive to ensure the integrity of the material they release into the world under the ever-more-broad rubric of the memoir form.

William Dean Howells once called autobiography "the most democratic province of the republic of letters," and its practitioners have continually proven him right with a vengeance. Left unexplained to full satisfaction, perhaps because inexplicable, is the boundless attraction of the formula to writer and reader alike—though our "craving for the literal" is a nice guess—that has grown dramatically in the last two decades, and with implications for cultural life. Where once young talents with a yen to write were drawn to cut their literary teeth on a semi-autobiographical novel, now many of them run straight to the presumption that their heretofore brief lives and struggles with addiction, bulimia, parental abuse, unpopularity, acne, bunions, you name it—the Brits call this type the "misery memoir"—will interest the reading public. In vigilant hands, we concede, the gamble may be sound; but the skill required to write a compelling, let alone memorable, life story isn't negligible, and where it's lacking, publishers can be all too ready to provide ghostwriters for those not up to the sweaty demands of composition, straining the very idea of "authorship."

As Yagoda freely acknowledges, here sits the lump in the batter of all those celebrity memoirs infecting the market: Most celebrities are unliterary, even uneducated people, rarely able to produce so much as a vivid letter, much less a gripping manuscript; and when we see "as told to" or "with" after the bold-faced author's name, and before a lower-cased lesser name on the dust jacket, it's a good bet that the "author" hasn't so much as sneezed near the thing. (One happy exception was Charles Lindbergh who, having been assigned a ghostwriter to produce his autobiography soon after his solo flight across the Atlantic, found the product from the professional writer noxious and, taking pen in hand, wrote the book himself—to popular and critical praise. Apparently even celebrity places no absolute bar against talent.)

When we return to those memoirs actually written by their authors, from Robert Graves's *Goodbye to All That* and Beryl Markham's *West with the Night* and Vladimir Nabokov's *Speak, Memory* to Richard Wright's *Black Boy* and James Baldwin's *Notes of a Native Son* to Tobias Wolff's *This Boy's Life* and William Styron's *Darkness Visible*, we see how vibrant the form can be, and how on the upper reaches of the craft it becomes an art producing books whose quality elevates them to literature, and bestows the right to gather dust in the best bookcases.

I wish that Yagoda had spent more ink on the real memoirs written up by stout, cultivated minds and less on the fraudulent or otherwise lesser ones, to hold the barricades by insisting that the memoir remain a literary genre, not a marketing tool. It's a shame that *A Million Little Pieces* should be awarded more space in this account than Winston Churchill's *My Early Life*, or the three-volume memoirs of George Santayana, both minor classics of the form, and neither meriting any mention at all.

Nonetheless, though the best memoirs may rise to the heights of art, this is an art compromised by its very method. Yagoda ponders the capriciousness of memory and the degrees to which we might fairly trust our own memories, and trust those trusting to their memories. The last thing we might expect from even a fine memoir is strict accuracy.

"The memory is an impression," writes Yagoda, "not a transcript," and temptations to deception and score-settling can be overwhelming, especially in the hands of ex-politicians. But even this isn't the final word. "An autobiography," Sir Leslie Stephen wrote, "alone of all books, may be more valuable in proportion to the amount of misrepresentation it contains." It's best, in short, to pick up a memoir for the sap of experience, for the singular point of view, not for the niceties of minutiae, or for a story or history. Most of the better memoirs are near-dream-like acts of remembering, and even the best are stubbornly unamenable to the verification of fact-checkers. ♦

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B&A

The People's Choice

Democracy is no priority for Barack Obama.

BY ELLEN BORK

Ronald Reagan campaigned for election on the distinction between totalitarian and authoritarian regimes, arguing that the United States could tolerate the latter. Once in office, however, he supported democratic transitions in several authoritarian allies.

His shift may have had something to do with the influence of a few senior officials: In 1981, Elliott Abrams, then an assistant secretary of state, drafted a memo arguing that effective opposition to the Soviets required Washington to clearly distinguish itself from Moscow on human rights, a position that led to support for the left-of-center government of El Salvador's Jose Napoleon Duarte in addition to a tough anti-Communist line against the Nicaraguan Sandinistas. Later, Secretary of State George Shultz and other officials persuaded Reagan to withdraw U.S. backing for the Philippine dictator Ferdinand Marcos after the assassination of opposition leader Benigno Aquino and the fraudulent 1986 election. Shultz's memoirs reveal that although Reagan was reluctant to abandon Marcos, a Cold War ally who hosted American naval bases, the president decided not only that Marcos had to go but that the United States had to support a democratic transition, not another dictator.

If democracy and human rights becomes a priority for the Obama administration, it may be because of the influence in internal debates of Michael McFaul, senior director for Russian and Eurasian affairs on the National Security Council staff. In his new book McFaul makes an unapologetic case for democracy and takes on the "renaissance" of realists and their perennial claims about how supporting democracy hurts American interests. "They are wrong," he says flatly of their arguments that democracy can only be achieved after a certain level of economic development has been reached, that democratic transitions cause instability and conflict, and that democracy opens the door to radical, undemocratic forces. McFaul shows these arguments to be overstated, empirically false, and generally specious.

Advancing Democracy Abroad
Why We Should and How We Can
by Michael McFaul
Rowman & Littlefield, 304 pp., $27.95

Unfortunately, the moral and practical value of democracy to American interests that McFaul establishes isn't enough to determine policy. For the first year of his presidency, Barack Obama has been intent upon distancing himself from his predecessor, deriding (if indirectly) George W. Bush's democracy efforts. Democracy, Obama has said, is "one of our best exports if it is not exported simply down the barrel of a gun." Fortunately, despite his own criticism of Bush, McFaul understands that the case for democracy is bigger than any one administration's failings. "Short term, knee jerk reactions against Bush," he writes, "could produce long term negative strategic consequences for American national interests. Those fighting tyranny and seeking to advance democracy around the world also would suffer." Officials must "remember the moral, security, and economic interest the United States has in promoting democracy, and then look for ways to pursue this policy objective more effectively."

Effectiveness, however, does not mean obfuscation, and here, McFaul is at odds with Hillary Clinton and other State Department officials who repeatedly omit the word "democracy" from statements of administration objectives, or talk about "reframing it within a development context."

> Shying away from the "d" word in favor of more euphemistic phrases like "good governance" or "human dignity" would send a terrible signal to the activists around the world fighting for human rights and democratic change.

Before joining the Obama administration McFaul was a political scientist and expert in democracy promotion at Stanford. The views he developed in academia, and in working on democracy programs in Moscow in the early 1990s, run counter to the entrenched attitudes among foreign policy elites. For example, McFaul argues that an evolving attitude toward sovereignty supports rather than discourages pushing for democracy in other countries. "When the United States provides billions of dollars in aid over several decades to prop up the Egyptian dictatorship," he asserts, "the sovereignty of the Egyptian people is being violated." He also questions the reflexive quest for "stability" that favors dictatorships, as well as the idea that a posture of "noninterference" in other countries is possible or desirable. The majority of people do not wish to live in a dictatorship: "Which policy is more imperial," he asks, "one that supports the aspirations of a people, or one that shores up the power of a dictator?"

McFaul's idealistic articulation of American responsibility and self interest does not square with the "radical new approach" he recommends for the future. The United States, he argues, should "get out of the way and let others take the lead" by advancing "policies that will enable other governments, non-American NGOs, and international institutions to play a leading role in supporting democratic development." There should be greater deference to multilateral organizations, including a proposed security organization for the

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Middle East, modeled after the OSCE, to bring together regimes hostile to each other and democracy itself.

Getting the federal bureaucracy "out of the way" of groups running democracy programs with American funds would be an excellent idea, as anyone who has ever tried to implement an Agency for International Development or State Department democracy grant will tell you. In theory, government funding allows independence from both the U.S. government and hostile regimes for groups such as Freedom House, the National Endowment for Democracy, and other groups offering political, civil-society, labor, and free-market training and development. The bureaucratic trend, however, is toward *more* micromanagement and neutralizing programs that dictators find troublesome.

Yet McFaul is after something much more consequential: devolving American resources for democracy promotion not just away from the American government, but away from America altogether. "Some day," he writes, "the center of gravity for democracy promotion should move from Washington to New Delhi or from Brussels to Santiago." Here he seems more in sync with his current boss, whose remarks subtly but clearly reflect a belief that American leadership is in decline.

McFaul pronounces America's performance in promoting democracy underwhelming—even while crediting the U.S. role in defeating the Soviet Union, building NATO, and establishing a world financial system. These are manifestations of American leadership, with profound and lasting consequences. At a time when there is a concerted challenge to the idea of democracy from regimes in Russia and China, the United States should not contemplate a retreat from the field. Nor would most overseas democracy activists welcome this. For the foreseeable future, American leadership remains indispensable. That leadership, in turn, depends on officials like Michael McFaul who believe that promoting democracy is in the American national interest, and in the interest of people living under dictatorships. ♦

B&A

Feeding the Beast

Appeasement is an appealing idea with appalling consequences. **BY DAVID AIKMAN**

Seven decades after the outbreak of World War II in Europe, it is a good moment to look back on Europe's inexorable slide towards war in the last two years of peace. The word "Munich" will forever be encumbered by its association with the concept of appeasement, that foolish and ultimately fatal policy by the British government under Prime Minister Neville Chamberlain of placating Adolf Hitler by conceding to him more and more of his territorial ambitions in Europe.

Munich, 1938
Appeasement and World War II
by David Faber
Simon & Schuster, 528 pp., $30

It has, however, been a few decades since the last burst of books dealing in a major way with the Munich crisis, and new material has become available since then. John Faber draws not only on the many memoirs and diaries of the era published by the participants, but on notes taken by the German-English interpreter of the Hitler-Chamberlain conversations, Paul Schmidt. What makes Faber's account particularly engrossing is his stereoscopic view of the events leading up to and surrounding Munich. We see the German generals aghast at Hitler's determination to unleash military force against Austria first and then Czechoslovakia when (in their view) the Wehrmacht was ill-prepared to plan and carry out either operation. We see Chamberlain's sister-in-law in Rome allowing herself to be flattered and manipulated by Mussolini and his foreign minister (who was also his son-in-law), Count Galeazzo Ciano. We even catch tantalizing glimpses of German political figures opposed to Hitler pleading clandestinely—and vainly—for the British government to stand up to Hitler over Czechoslovakia and thus possibly give anti-Nazi opinion in Germany a chance to crystalize.

"Munich," of course, has become a convenient abuse-word, like "fascist," to hurl at political leaders whose policies are deemed by their critics to be wholly subservient to the ambitions of foreign adversaries. Yet the entire episode of British appeasement of Hitler is a moral lesson for all later generations of free peoples; a lesson that sincerity in the desire for peace doesn't outweigh the need for an accurate assessment of the character, and hence the likely future behavior, of a potential adversary. One of Faber's most illuminating habits in this excellent account is to juxtapose at the beginning of many chapters pithy quotations from leading protagonists in the unfolding drama. The quotations often sum up clashing worldviews. Thus, at the beginning of Chapter Three, we read the mutually contradictory comments on each other of Chamberlain and his foreign secretary (until his resignation in February 1938), Anthony Eden. Chamberlain wrote in October of that year: "I fear that the difference between Anthony and me is more fundamental than he realizes. At bottom he is really against making terms with the dictators." But Eden's perception of Chamberlain was a mirror-image of that: "I fear that fundamentally the difficulty is that Neville believes he is a man with a mission to come to terms with the dictators."

Neville Chamberlain's pervasive shortcoming in judgment was twofold.

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He was susceptible to flattery by the Führer to the extent of believing that if Hitler told him one thing, he would not then do something else. He seemed also incapable of envisaging a foreign leader having murderous ambitions that he himself did not have. Above all, Chamberlain was largely indifferent to Nazi domestic behavior. Within weeks of the *Anschluss*—Germany's annexation of Austria—the SS was forcing Viennese Jews to clean latrines with their bare hands or with tefillin stolen from nearby synagogues. This could not have been unknown to Chamberlain.

One of his less attractive attributes, however, was manipulating London's press corps. He favored journalists who wrote sympathetically and marginalized those who were critical of his policies, insisting on four hours' advance notice before accepting the questions of certain journalists. He liked to ask journalists who dared to pose critical questions which publication they represented, implying that their employers would be displeased at the "lack of patriotism" inherent in the question. He often froze into silence journalists he disliked, or—even worse—responded to legitimate journalistic concerns about the persecution of Jews, Hitler's broken promises, or Mussolini's ambitions with an expression of surprise "that such an experienced journalist was susceptible to Jewish-Communist propaganda."

But Chamberlain was not alone in his misreading of the Nazis. He was solidly backed by the Conservative party in the House of Commons—with the striking and heroically courageous exception of Winston Churchill—and by his foreign secretary Lord Halifax, who succeeded Eden, by the British ambassador in Berlin, Sir Nevile Henderson, and by significant segments of the British press. In Berlin, in the summer of 1937, Henderson made a speech at a dinner given by the Anglo-German Fellowship in which he opined that "in England, for instance, far too many people have an entirely erroneous conception of what the National Socialist regime really stands for. Otherwise they would lay less stress on Nazi dictatorship and much more emphasis on the great social experiment which was being tried out in Germany."

Lord Halifax was hardly better than Henderson in interpreting Nazi Germany. Hitler said that he thought Halifax was "a clever politician who fully supported Germany's aims." Halifax, too, subscribed to the view of Chamberlain and the appeasers that Hitler could be "tamed by kindness." After a visit to Berlin, where Hermann Göring subjected him to a blistering complaint about hostile reporting in the British press, Halifax subjected the *Evening Standard* cartoonist David Low to a browbeating about the way in which the Nazis were offended by Low's cartoons.

Sir Nevile Henderson, 1940

POPPERFOTO / GETTY IMAGES

"Do I understand you to say," asked Low, "that you would find it easier to promote peace if my cartoons did not irritate the Nazi leaders personally?" Halifax admitted that this was his view. In fact, the proprietors of British newspapers were vulnerable to Foreign Office pressure: Churchill was fired as an *Evening Standard* columnist after its own, Lord Beaverbrook, was asked by Halifax not to offend the Nazis.

Of course, some commentators openly sympathized with Hitler. The *Daily Mail*'s George Ward-Price admired the Nazis fulsomely and was Hitler's favorite British journalist. The *Mail*'s proprietor, Lord Rothermere had been visiting Germany regularly since the early 1930s and exchanged visits and gifts with Hitler. Ward-Price entered Vienna accompanying the German troops. Geoffrey Dawson, editor of the *Times* and Halifax's fellow Old Etonian, was convinced that world peace depended on Britain's having good relations with Germany. He suppressed reports from his European reporters who accurately reported Nazi brutality and was the force behind a notorious *Times* editorial of the day suggesting that it was time for Czechoslovakia to be dismembered by having the Sudetenland, coveted by Hitler, simply join the Reich.

As we know, it was Czechoslovakia that suffered total dismemberment as a result of the appeasement policy at Munich. In March 1939, months after the Sudetenland had been occupied by the Germans, it became the turn of the entire Czech heartland to submit to Nazi jackboots: Hitler had lied to Chamberlain that, after gobbling up the Sudetenland, his appetite for territorial acquisition in Europe would be satisfied.

In retrospect, of course, Chamberlain was naïve and deceived as much by his own vanity as by Hitler's mendacity. It is interesting, however, that when Chamberlain died of cancer in November 1940, his successor as prime minister, Winston Churchill, displayed a characteristic generosity of judgment. In a tribute in the House of Commons, Churchill summed up the sincerity, however dreadfully mistaken, of the idea of appeasement:

> Whatever else history may say about these terrible, tremendous years, we can be sure that Neville Chamberlain acted with perfect sincerity according to his lights and strove to the utmost of his capacity and authority, which were powerful, to save the world from the awful, devastating struggle in which we are now engaged. ♦

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B&A

Dadaist Moment

The otherworldly role of the other parent.

BY MICHAEL M. ROSEN

Pope John XXIII once said that "it is easier for a father to have children than for children to have a real father." Since the birth of my fourth child last year I've given substantial thought to this, and I'm not sure I entirely agree. If by "have children" he meant bringing them into the world, he's more or less correct—although, of course, as we fathers are reminded time and again, it's the mother who "has" children. (Perhaps "sire" is the more apt, if antiquated, verb.) But if "having" children means having them in one's life, the comparison is murkier: Indeed, some fathers do nothing more than sire children and then vamoose. Others deign to have them in their lives but are too busy with work, or preoccupied by other pursuits, to appreciate the joys and hardships that attend child-raising. And others, the much-ballyhooed stay-at-home dads, consume their fatherly duties with relish, serving as primary caregivers.

But what about the great mushy middle: those fathers who hold down full-time jobs but play an active role in bringing up their kids? This ranges from fathers who take weekends off to those who shoulder equal (or near-equal) responsibility for raising Dick and Jane. I count myself among these "moderates," striving to get home from work every night in time for dinner, bath, book, and bed—and returning, inevitably, to computer afterward for several hours. I rise early with the children each morning so that my wife, who spent the night nursing the baby, can snatch an extra 90 minutes of sleep. Weekends are sacred family time: (almost) no work during waking hours, no political events, no "guys' day out."

Yet for putatively modern dads, delights aside, is it easy to raise children? In comparison to our wives—who manage most every aspect of their childrens' lives, from doctor's appointments to summer camp registration to properly fitting sneakers—the answer is yes. If we liken a mother's toil to years of hard labor in Siberia, father's work more closely resembles a brief tenure in Bernard Madoff's current digs. But in the abstract, what does it mean for a working father to bring up his kids in today's society?

Home Game
An Accidental Guide to Fatherhood
by Michael Lewis
Norton, 192 pp., $23.95

Michael Lewis's *Home Game: An Accidental Guide to Fatherhood* is a humorous, engrossing, fresh look at a well-worn subject that weaves together anecdote and analysis by way of crackling dialogue. In many ways, *Home Game* does for fatherhood what Lewis's earlier books did for baseball, football, and the Internet. (In particular, I commend the recounting of his three-year-old daughter's profanity-laced defense of her older sister in a Bermudan resort pool.) Unlike most of his other works, however, *Home Game* is a highly personal, even poignant, look at fatherhood, in which Lewis exposes his own family life without permanently scarring his three children.

The most thoughtful section is the introduction, in which Lewis analyzes the evolving role of fathers in our time and bemoans the "unsettling absence of universal, or even local, standards of behavior." Among his neighbors, Lewis is regarded alternately as a Neanderthal or a unique combination of "breadwinner and domestic dervish." This lack of standards results in part from his residence in Berkeley, California (where I grew up, incidentally), which he nicely skewers for its incorrigibly faddish liberal sentimentality—at least when it comes to childbirth:

> The ideal Berkeley birth has probably never actually happened, but if it has, it happened far from civilization, in the woods, without painkillers or doctors or any intervention whatsoever by modern medicine. Along one side of the birthing mother was a wall of doulas wailing a folk song; along the other, all the people she had ever known; at her feet, a full-length mirror, in which she watched her baby emerging; at her head, a mother wolf, licking and suckling. Incense-filled urns released meaningful, carbon-free odors.

No such voodoo for Lewis's wife, the former MTV veejay Tabitha Soren, who "longs only for painless, antiseptic, impersonal modern medicine." Lewis, for his part, doesn't seem to disagree; but then again, he is not in any position to do so. Still, as entertaining as *Home Game* can be, it lacks coherence in places, betraying its origins as a series of disparate reflections originally published in the online magazine *Slate*. Lewis promises to probe what he regards as "the persistent and disturbing gap between what I was meant to feel and what I actually felt" during key moments of fatherhood. Yet he doesn't entirely keep his promise, largely taking readers on a fun-filled, and occasionally harrowing, romp across oceans and hospital wards. And while, after three thorny birthing, post-partum, and neonatal experiences, Lewis appears to emerge stronger, wiser, and much more exhausted than before, the reader may be left wondering, exactly, what to take away from it.

Lewis does offer this parting thought: "If you're not bothered by [fatherhood], or disturbed by it, or messed up from it, you're probably doing something wrong that will mess up your kids." So it's possible such disquietude may simply be the modern father's plight. Just as it isn't easy for a father to write about raising children, it doesn't seem to be easy having them, either, no matter how rewarding the effort. ♦

Michael M. Rosen is an attorney in San Diego.

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B&A

The Odd Couples

In quest of 'must-see' television on the networks.

BY JOHN PODHORETZ

Not for several years has there been a reason even to spend a minute discussing new fiction programs on network television. CBS has turned over most of its time to forensic crime shows cast as sequels or spinoffs to its existing forensic crime shows. NBC was so incapable of following up its critical successes with *The Office* and *30 Rock* that it finally chose to cede five of its 21 prime-time hours—24 percent!—to Jay Leno's talk show, a decision it had to rescind in 17 weeks. Fox simply stretches *American Idol* into as many hours a week as it can. Back in the middle of the last decade, ABC suddenly came alive with three dynamic hours, the hospital-set *Grey's Anatomy*, the campy suburban soap *Desperate Housewives*, and the science-fiction/fantasy/mystery/shaggy-dog story *Lost*. And then ABC went into hibernation, too. Everything of interest being done on television—everything—was being done on cable channels.

Until this past September, that is, when ABC debuted *Modern Family*. I didn't watch it, and something unusual began happening; people started asking me if I'd seen it, and then someone else would overhear and say that, yes, he'd seen it too, and it was funny—really *really* funny—and the first person would agree, and then a third would join in. I was in two or three such round-robins, conversations that indicated *Modern Family* had succeeded in doing something no network sitcom in the past decade, besides *30 Rock*, had succeeded in doing: getting people to talk about it. There are other successful situation comedies on the air, notably *Two and a Half Men* (with Charlie Sheen as a ~~drug-crazed wife beater~~ Malibu womanizer) and *The Big Bang Theory* (about geeky scientists and the hot girl across the hall), but they have no cultural purchase. *Modern Family* does, and it deserves to. The question is why, and the answer is an interesting one.

Modern Family is a story about a widowed 63-year-old father of a 40-year-old mother of three and a 35-year-old father of one. There have been a dozen sitcoms with a set-up of this sort in the past. But here, the 35-year-old man is gay, the child is an adoptive daughter from Vietnam, and he is in a long-term relationship. Meanwhile, the 63-year-old widower is married to a 35-year-old Colombian spitfire with an 11-year-old son of her own. Only the daughter is in a conventional marriage, and is a conventional character; but she is unlike other sitcom moms in that her kids loathe each other and her husband is a well-meaning, decent, and utter boob.

In every half-hour episode, there are three plot lines, one for each subfamily, and they are remarkably consistent. The hot-tempered but tightly controlled gay son gets himself all steamed up about something and then has to be saved from his own righteous indignation by his softer and more easygoing better half. The daughter has to adjudicate a struggle between her children that is usually made far worse by her husband's bumbling. And the bluff and gruff father has to cope with the consequences of having a much younger and far wiser Hispanic wife—imagine Charo with the good sense of Donna Reed—no one believes is his and a soulful young stepson who grieves when he isn't cast as Tevye in *Fiddler on the Roof*.

Modern Family appears to be a celebration of every conceivable fashionable idea possible, as its title suggests and as the plotlines demonstrate. And it is no doubt intended to be so. But the reason the show is so funny and original is that it is also amazingly retrogressive. Despite its flashy postmodern filming techniques (it's shot in the pseudo-documentary form used by *The Office*), *Modern Family* is an almost academic compendium of classic humor from a less enlightened and evolved age.

It's an endless parade of fat jokes, sissy jokes, ethnic jokes, slut jokes, sex jokes, and to top it all off, old-time slapstick moron routines from the clueless husband (played by an actor named Ty Burrell who, if he keeps this up over a couple of seasons, will produce more laughs per minute than anyone on a sitcom since Tony Randall of *The Odd Couple* nearly 40 years ago).

The cast of 'Modern Family'

It's difficult to describe any one bit because the episodes (overseen by creators Christopher Lloyd and Steven Levitan) are so carefully constructed that the gags build on each other and all really pay off at the end. Like *Seinfeld*, the sitcom it resembles only because it's the funniest one on a network since *Seinfeld* finished its run, every episode takes its disparate plot lines and harmonizes them at the climax in a way that recalls the watchwork plotting of expert French farce. But it all works only because *Modern Family* is making satirical hay out of the very cultural trends it is reflecting and saluting. ♦

John Podhoretz, editor of Commentary, *is* THE WEEKLY STANDARD*'s movie critic.*

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PARODY

"The White House said Mr. Obama has decided not to leave for the Pacific on Sunday, the second such delay in his travel plan, in order to maintain full attention on health care. His planned visit to Indonesia, Australia and Guam will instead take place in June, the White House said."

—New York Times, *March 18, 2010*

AY, MARCH 23, 2010 ONE DOLLAR CHEAP

OBAMA OFFERS COMPROMISE ON MEETING PACIFIC ALLIES

Invites Leaders to Chinese Restaurant, Outback Steakhouse

By DAVID M. HERSZENHORN and ROBERT PEAR

WASHINGTON — President Obama, who initially postponed, then cancelled, then rescheduled his trip to Asia for June due to the ongoing debate over health reform, announced yesterday that he would meet with the leaders of Indonesia, Australia, and Guam in the next two weeks. The decision came as heads of state around the world were heard complaining that the president was not spending enough time strengthening international alliances and cultivating personal relationships.

"I understand their concerns—they need us, we need them," said the president during yesterday's press conference. "But I also expressed to my foreign counterparts that health insurance reform was of utmost importance to this country so I hoped they would be willing to meet me halfway." Mr. Obama then elaborated that the meetings with Indonesia's president and Guam's governor would be held next week at the City Lights of China restaurant in Dupont Circle, several blocks north of the White House. "That is halfway," insisted the president, "considering the amount of traffic that clogs Connecticut Avenue. You never know, it could take me half an hour to get up there."

The president's meeting with Australian prime minister Kevin Rudd, meanwhile, is scheduled to take place in two weeks at an Outback Steakhouse in Arlington, Virginia. "I know it's not the same as meeting in Canberra," admitted Mr. Obama, "but you'd be surprised how much can get accomplished over a Bloomin' Onion." When asked about the nature of the discussions between the two leaders, the president stressed the atmosphere will be informal. "Mr. Rudd and I will talk about whatever comes to mind. No rules, just right."

Critics, however, were scathing when it came to the decision to meet Guam's governor and Indonesia's president simultaneously at a Chinese restaurant. "Why does President Obama continue to curry favor with China while getting nothing in return?" asked Senator John McCain. But Mr. Obama scoffed at the criticism, saying, "Who doesn't love Chinese food? Personally, I plan on ordering the Happy Family." Vice President Joseph Biden added that he would probably start with the Pu-Pu

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Mike Matus

Obama will meet with Australia's prime minister at this Outback Steakhouse in Arlington, Va., on a Wednesday, coinciding with 'Mixed Grills' night.

Obama's Bracket 'Deemed' Winner

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